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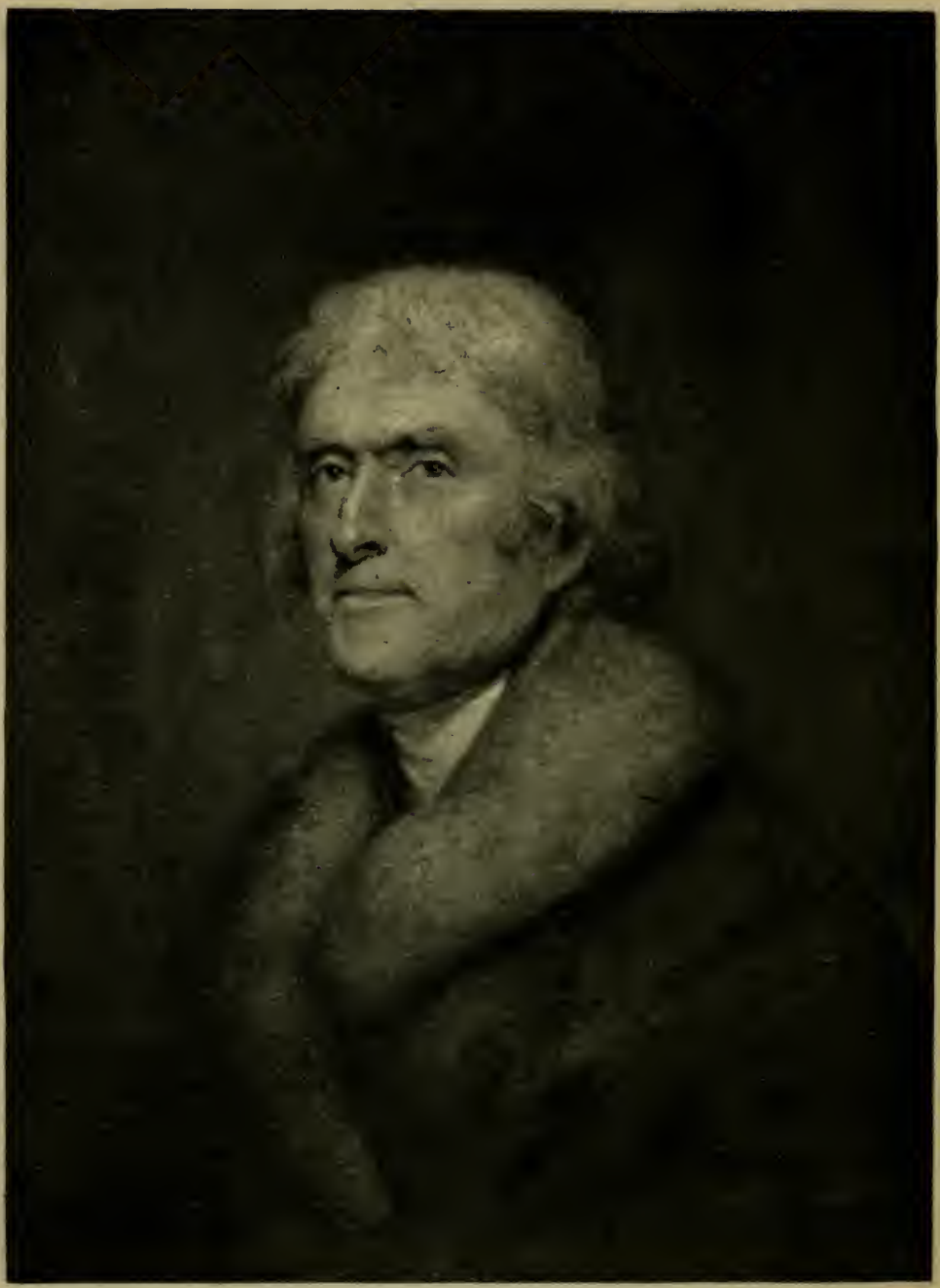

Jefferson at Sixty

Photogravure from the Painting by Rembrandt Peale in the Library of the New York Historical Society.

This portrait was painted in 1813 for the Peale Museum, where it remained until the public sale of the collection in 1854, when it was bought by Thomas Jefferson Bryan, of Philadelphia, who subsequently presented it to the New York Historical Society.

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THE WRITINGS OF
THOMAS JEFFERSON

Definitive Edition

CONTAINING HIS

AUTOBIOGRAPHY, NOTES ON VIRGINIA, PARLIAMENTARY MANUAL, OFFICIAL PAPERS, MESSAGES AND ADDRESSES, AND OTHER WRITINGS, OFFICIAL AND PRIVATE, NOW COLLECTED AND

PUBLISHED IN THEIR ENTIRETY FOR THE FIRST TIME

INCLUDING

ALL OF THE ORIGINAL MANUSCRIPTS, DEPOSITED IN THE DEPARTMENT OF STATE AND PUBLISHED IN 1853 BY ORDER OF THE JOINT COMMITTEE OF CONGRESS

WITH NUMEROUS ILLUSTRATIONS

AND

A COMPREHENSIVE ANALYTICAL INDEX

ALBERT ELLERY BERGH
EDITOR

14632

VOL. III.

ISSUED UNDER THE AUSPICES OF
THE THOMAS JEFFERSON MEMORIAL ASSOCIATION
OF THE UNITED STATES
WASHINGTON, D. C.
1907

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THE LOUISIANA PURCHASE.

The Louisiana Purchase was, by common consent, the supreme act of the administration of Thomas Jefferson as President, though he makes no reference to it in citing the features of his career which he chose to have perpetuated in his epitaph. For that commemoration he chose principles rather than acts. There have been others who have framed or founded universities. There have been others who have framed statutes of religious liberty. But there was only one Louisiana Purchase.

I venture to think that there are three great master facts upon which the enduring fame of Jefferson will rest: First, he was the author of the Declaration of Independence; second, he was the founder and leader of a great party, of a school of political thought which, under varying names, has divided the republic from the beginning to the present time; third, he made the Louisiana Purchase. In its historical importance this great act ranks with half a dozen of the most momentous and epochal events in our national annals, with his own Declaration of Independence, with the adoption of the Constitution, with the molding of national power through constitutional construction by Chief Justice

Marshall, with the abolition of slavery, with the overthrow of secession and the complete triumph of an indissoluble union, and with the Spanish war and all its far-reaching consequences. The Louisiana Purchase nearly doubled the boundaries of the republic. It added to her territory a little less than a million square miles of territory. It broadened the domain of our country by an extension which was larger in itself than Great Britain, France, Germany, Spain, Portugal and Italy combined. It gave us what has become one of the most fertile and opulent sections of the nation and the home of nearly fifteen millions of happy and contented Americans. It was an indispensable preliminary to the later acquisition of that vast domain which extends from the Gulf to Vancouver, embracing Texas, California, Oregon and Washington, and which added more than a million square miles to our territory, now the home of six millions more of thrifty and happy Americans who live and move and have their being within its domain. It was the first great expansion of the republic, and the manifesto of its continued extension with the advance of the world.

The honor which belongs to Jefferson is not simply that of being President when the purchase was made. He was the father of the vital policy which brought that splendid culmination. The crucial necessity which led up to the acquisition of Louisiana was the free navigation of the Mississippi River. The great Father of Waters was our western boundary and the

territory which rested on its hither shore demanded an unchecked outlet to the sea. Jefferson was the first of our statesmen to appreciate the importance of free and untrammelled communication from the Ohio to the Gulf. Spain held New Orleans and commanded the mouth of the Mississippi. If she was to remain there she must grant unrestricted privileges. As early as 1790, when Jefferson was Secretary of State under Washington, he demanded unhampered transit. He saw as no other man so clearly saw at that time, the tremendous significance of that question. Through his efforts the free use of the port of New Orleans was granted. After that all went well until a few years later the right of deposit on the wharves and in the warehouses at New Orleans was withdrawn. Then the West was instantly aflame and it became apparent that there could be no sure and lasting peace until the control of the Mississippi was so fixed that the United States would not be dependent upon any foreign power for its absolutely free navigation.

Meanwhile Spain retroceded Louisiana to France and Jefferson became President. He had, all through his previous career, been in affiliation with France and his antipathy was England; but so strong was his conviction that there was an inevitable antagonism between the United States and any alien power holding New Orleans that he looked to an alliance with England, unless that foreign power could be removed. He instructed Livingston, already

in France, to negotiate for the purchase of New Orleans and he sent Monroe to Paris to help him. Propitious circumstances unexpectedly served his end. The peace of Amiens was broken and Napoleon faced a gigantic conflict with England and with Europe. He wanted means and he knew that in such a conflict he could not hold Louisiana. He proposed to sell the entire territory, and so Jefferson, who had set out only to purchase New Orleans and the territory called West Florida, found himself suddenly the master of that magnificent realm beyond the Mississippi which enlarged our republic so immensely, which carried our flag over the great domain extending from the Gulf to Canada, a domain almost equal in extent to the original thirteen States of the Union.

It has often been urged that in this great act, the greatest act of our history between the adoption of the Constitution and the Civil War, Jefferson was inconsistent with his principles and his professions. He was the leader of the strict constructionists and this act was outside of the strict letter of the Constitution. But that charge of inconsistency can be made with equal force against every great party and almost every conspicuous statesman in our history. Webster was a free trader, substantially, and fought Calhoun as a protectionist when the interests of Massachusetts were commercial, and he was a protectionist when Massachusetts wanted to foster manufactures. Calhoun was a protectionist

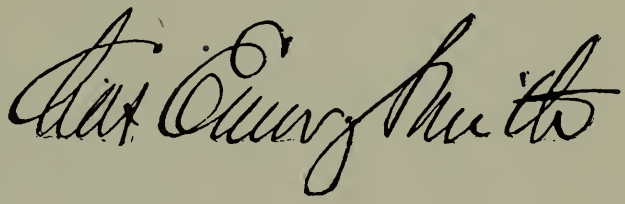
and fought Webster as a free trader before the South had developed its great cotton growth, and he was a free trader after that development when the South wanted to exchange raw cotton for cotton products. Madison believed that the United States Bank was unconstitutional and refused in 1811 to recharter it; but in 1816 Madison signed its second charter. In 1794 the Federalists passed an embargo and the Republicans denounced it as unconstitutional; and in 1807 the Republicans passed an embargo and the Federalists denounced it as unconstitutional. The Republicans affirmed the right of nullification against the alien and sedition acts of 1798 and the Federalists denounced it; but a few years later the Federalists asserted that right of nullification against the force act of 1809 while the other party denounced it. Virginia recanted and repudiated the famous Virginia resolutions at the very time that Pennsylvania and Ohio shifted to the other side and affirmed the same doctrine. If it be a question of inconsistencies, the chapter is absolutely unlimited.

It would be, indeed, easy to find inconsistencies between the principles of the Declaration of Independence and the practice of the Louisiana Purchase. What of it? When it comes to an issue between an abstract doctrine and vital practical statesmanship what masterful man, with great destinies in his hand, does not turn from the theoretical dogma to the living and commanding act? What true statesman permits a general and vague conception to paralyze a dis-

tinct, definite and unmistakable good? As a political philosopher Jefferson taught great doctrines. As President of the United States he met the direct and immediate responsibilities. He did not violate the Constitution—whatever was said at the time, we know it now; but in a great public emergency he departed from his general theory of interpretation, and in doing so he did an act of transcendent statesmanship and he achieved an incalculable advantage for the republic.

I have not been trained in the Jefferson school of thought, belonging to the opposing school. But I recognize and honor the incalculable services which Jefferson rendered to the country, not merely in its first great expansion but in the influence of his whole administration. The Constitution had not then gained any traditional sanctity. There were thousands of honest men who believed that it was dangerous to the liberties of the people. They felt that in the hands of Washington, of Hamilton and of Adams it had been directed along imperialistic lines, and that it was hostile to the spirit of the Revolution. The immeasurable value of Jefferson's incomparable service was that, as the leader of the opposing host, he came into authority, calmed the disquietude, exercised the same rights and powers and met the same high responsibility in the same statesmanlike way, and he dissipated any lingering fear that the Constitution and government of our republic involved any peril to the freedom of the people.

And so, as a devoted admirer of his great political rival, I honor, I salute Jefferson for his immortal work, and I join with the Thomas Jefferson Memorial Association in urging a national memorial to one of the most illustrious among the founders of the Republic.



Jefferson's Original Tombstone

Reproduced from the Original Tombstone that was taken from Monticello, Va., in 1882, and now stands in the Campus of the University of the State of Missouri at Columbia

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CONTENTS.

PAGE

THE LOUISIANA PURCHASE. By Charles Emory Smith, LL. D. i

REPORTS AND OPINIONS WHILE SECRETARY OF STATE 1–314

Report on methods for obtaining Fresh Water from Salt 1

The Report on Copper Coinage, communicated to the House of Representatives, April 15th, 1790 11

Opinion on the question whether the Senate has the right to negative the grade of persons appointed by the Executive to fill Foreign Missions 15

Opinion upon the validity of a grant made by the State of Georgia to certain companies of individuals, of a tract of country whereof the Indian right had never been extinguished, with power to such individuals to extinguish the Indian right 18

Opinion in favor of the resolutions of May 21st, 1790, directing that in all cases where payment had not been already made, the debts due to the soldiers of Virginia and North Carolina should be paid to the original claimants or their attorneys, and not to their assignees 21

REPORTS AND OPINIONS—*Continued.* PAGE

Plan for establishing uniformity in the Coinage, Weights, and Measures of the United States. Communicated to the House of Representatives, July 13th, 1790 26

Appendix, containing illustrations and developments of some passages of the preceding report 52

The Measures, Weights, and Coins of the Decimal System estimated in those of England, now used in the United States 54

Postscript 57

Opinion upon the question whether the President should veto the Bill declaring that the seat of government shall be transferred to the Potomac, in the year 1790 59

Opinion respecting the expenses and salaries of Foreign Ministers 67

Opinion in regard to the continuance of the monopoly of the commerce of the Creek nation, enjoyed by Col. McGillivray 72

Opinion respecting our foreign debt 74

Opinion upon the question what the answer of the President should be, in case Lord Dorchester should apply for permission to march troops through the territory of the United States from Detroit to the Mississippi 78

Opinion on the questions stated in the President's note of August 27th, 1790 79

Opinion on the question whether it will be expedient to notify to Lord Dorchester the real object of the expedition preparing by Governor St. Clair 81

Opinion on proceedings to be had under the Residence act 82

REPORTS AND OPINIONS—*Continued.*

PAGE

Report by the Secretary of State to the President of the United States on the Report of the Secretary of the Government northwest of the Ohio 85
Opinion on certain proceedings of the Executive in the Northwestern Territory 88
Report on certain letters from the President to Mr. Gouverneur Morris, and from Mr. Morris to the President, relative to our difficulties with England—1790 90
Report relative to the Mediterranean trade 94
Report on the Algerine Prisoners 112
Report of the Secretary of State on the subjects of the cod and whale fisheries 120
Opinion against the constitutionality of a National Bank 145
Opinion relative to locating the Ten Mile Square for the Federal Government, and building the Federal city 153
Report on the policy of securing particular marks to Manufacturers, by law 156
Opinion relative to the demolition of Mr. Carroll's house by Major L'Enfant, in laying out the Federal city 158
Opinion relative to certain lands on Lake Erie, sold by the United States to Pennsylvania 162
Report relative to negotiations with Spain to secure the free navigation of the Mississippi and a port on the same 164
Report on the case of Charles Russell and others, claiming certain lands 198
Report relative to negotiations at Madrid 199
Opinion on the bill apportioning Representation 201

REPORTS AND OPINIONS—*Continued.* PAGE

Opinion relative to a case of recapture, by citizens of the United States, of slaves escaped into Florida, and of an American captain enticing French slaves from St. Domingo..... 212

A note added by Mr. Jefferson at a later period 214

Report on Assays at the Mint, communicated to the House of Representatives, January 8th, 1793 215

Report on the petition of John Rogers, relative to certain lands on the northeast side of the Tennessee..... 217

Report relative to the Boundaries of the Lands between the Ohio and the Lakes, acquired by treaties from the Indians..... 220

Report on the proceedings of the Secretary of State to transfer to Europe the annual fund of $40,000, appropriated to that Department 223

Opinion on the question whether the United States have a right to renounce their treaties with France, or to hold them suspended till the government of that country shall be established 226

Opinion relative to granting of passports to American vessels 243

Opinion relative to case of a British vessel captured by a French vessel, purchased by French citizens, and fitted out as a Privateer in one of our ports..... 247

Opinion on the proposition of the Secretary of the Treasury to open a new Loan..... 251

Opinion relative to the policy of a new Loan... 256

Report on the privileges and restrictions on the commerce of the United States in foreign countries 261

REPORTS AND OPINIONS—*Continued.* PAGE

Report on the Mint. Communicated to the Senate, December 31st, 1793 283
Report on the Tonnage payable by French vessels in the Ports of the United States 286
Report on Vermont Nominations 296
Report on Unclaimed Lands 297
Report on the Petition of John Mangnall ... 299
Report on the Petition of William Howe 301
Report on the Petition of John Neufville ... 302
Report on Expediency of Appointing a Consul at Copenhagen 306
Report of Decree rendered by the National Assembly of France 307

INAUGURAL ADDRESSES AND MESSAGES 317–494

Inauguration Address, March 4th, 1801 317
Message on the Act for the Defence of Rivers and Harbors—March, 1808 325
First Annual Message—December 8th, 1801 .. 327
Second Annual Message—December 15th, 1802 340
Special Message—January 28th, 1802 349
Special Message—February 24th, 1803 350
Third Annual Message—October 17th, 1803 .. 351
Special Message—October 21st, 1803 361
Special Message—November 4th, 1803 362
Special Message—November 25th, 1803 363
Special Message—December 5th, 1803 363
Special Message—January 16th, 1804 364
Special Message—March 20th, 1804 366
Fourth Annual Message—November 8th, 1804 366
Second Inaugural Address—March 4th, 1805.. 375
Fifth Annual Message—December 3d, 1805 .. 384
Message on Spanish Spoliations—December 6th, 1805 396
Special Message—January 13th, 1806 402

INAUGURAL ADDRESSES AND MESSAGES—*Continued.* PAGE

Special Message—January 17th, 1806..... 407
Special Message—February 3d, 1806 409
Special Message—February 19th, 1806..... 409
Special Message—March 20th, 1806 412
Special Message—April 14th, 1806 413
Sixth Annual Message—December 2d, 1806 .. 414
Special Message—December 3d, 1806 426
Special Message—January 22d, 1807 427
Special Message—January 28th, 1807..... 437
Special Message—January 31st, 1807 438
Special Message—February 10th, 1807..... 439
Seventh Annual Message—October 27th, 1807 444
Special Message—November 23d, 1807 454
Confidential Message—December 7th, 1807... 454
Special Message—December 18th, 1807 455
Special Message—January 20th, 1808..... 456
Special Message—January 30th, 1808..... 460
Special Message—January 30th, 1808..... 462
Special Message—February 2d, 1808 463
Special Message—February 4th, 1808..... 464
Special Message—February 9th, 1808..... 465
Special Message—February 15th, 1808..... 465
Special Message—February 19th, 1808..... 466
Special Message—February 25th, 1808..... 467
Special Message—March 7th, 1808 468
Special Message—March 17th, 1808 470
Special Message—March 18th, 1808 471
Special Message—March 22d, 1808 472
Eighth Annual Message—November 8th, 1808 475
Special Message—December 30th, 1808..... 486
Special Message—January 6th, 1809..... 487

APPENDIX 489–494
Confidential Message Recommending a Western Exploring Expedition—January 18th, 1803. 489

ILLUSTRATIONS.

JEFFERSON AT SIXTY..... ..... *Frontispiece*

Photogravure from the Original Painting by Rembrandt Peale.

FACING PAGE

JEFFERSON'S ORIGINAL TOMBSTONE viii

Reproduced from the Original Tombstone that was taken away from Monticello in 1882, and now stands in the Campus of the University of the State of Missouri at Columbia.

JEFFERSON'S FIRST INAUGURAL ADDRESS 324

Fac-simile from the Original Document in the Department of State.

REPORTS AND OPINIONS

WHILE

SECRETARY OF STATE.

INTRODUCTORY NOTES.

Under the head of "Reports and Opinions while Secretary of State" are included Jefferson's Reports to Congress; his Reports to President Washington; and his Cabinet Opinions. It seems to have been the practice of Washington to take written opinions of his Secretaries upon important points arising during his administration, and the opinions of Jefferson, here published, were given in reply to questions propounded and points submitted to him by the President, in conformity with this practice. These opinions relate to a great variety of matters connected with the early history of our government, and the principles of interpretation to be applied to the Federal Constitution, and will be found both interesting and valuable.

Some of these Reports (from page 286 to 310), including the Report on Unclaimed Lands, the Report on Vermont Nominations, the Report of Decree Rendered by the National Assembly of France, etc., were not published in the Congressional edition of 1853.

Jefferson's appointment was brought about in the following manner. In August, 1789, while filling the position of American Minister Plenipotentiary to France, he obtained leave of absence and returned to the United States. He arrived at Norfolk on November 23d, and on his way to Monticello received from President Washington a letter offering him the appointment of Secretary of State, at the organization of the Federal Government under the Constitution, which had then been adopted. (See Autobiography, Vol. I, page 160.) His inclinations were to return to France, to continue representing the United States at that court, as the President gave him the option of either position, but he finally concluded to accede to the wishes of Washington that he accept a seat in his cabinet.

His Reports and Opinions on the Currency; on Weights and Measures; on the Fisheries; on Commercial Restrictions; on Treaties with Foreign Governments; and numerous other subjects, all give ample proof of his ability as a statesman. In 1790 Jefferson accompanied Washington on a visit to Rhode Island, after that State had accepted the Federal Constitution. In 1791, being called on by the President for his Opinion on the Act passed by Congress establishing a National Bank, he made a written communication, objecting to such

an institution as unconstitutional. The bill, however, was approved by President Washington. While holding office as Secretary of State, Jefferson disapproved of many of the measures of Washington's administration, particularly of those measures which originated with the Secretary of the Treasury, Alexander Hamilton. Between Hamilton and Jefferson there were irreconcilable differences of opinion on political matters, which caused constant bickerings in Washington's first cabinet. Hamilton was the head of the Federal party and the opposition to the Federalists assumed an organized form under the auspices of Jefferson. By Jefferson's advice, the opposition party, which had been called anti-federalist, claimed the name of Republicans, while their Federal opponents called them Democrats. Jefferson was an advocate of State sovereignty and of decentralization. He was strongly opposed to the leading features of the British Constitution, and in cordial sympathy with the new school of politics which had recently begun to be felt in the government of France. His five years' residence in France had greatly strengthened him in these views and they more or less affected his treatment of all questions that came under him as a Cabinet Minister. Hamilton's great fear, on the other hand, was that the central government under the new Constitution would be too weak, and he favored all measures that tended to exalt and strengthen the Executive, and to bring the government more in harmony with that of England.

The most perplexing questions which occupied Jefferson's attention as Secretary of State grew out of the war declared by France in 1793 against Holland and Great Britain. What was the natural policy and what should be insisted upon as the natural rights of the United States? Upon this question both parties put forth their whole strength. The Republicans, under Jefferson's lead, mostly sympathized with the French, and advocated that privateers be fitted out in American ports to cruise against British vessels. This policy was opposed by the Federalists, who advocated peace with all and entangling alliances with none. Jefferson advocated the propriety of receiving a diplomatic representative from the French Republic. His advice prevailed, and Genet was promptly sent as Minister. Genet proceeded to fit out privateers, and empower French consuls in the United States to organize courts of admiralty to condemn prizes. This led to heated discussions in the cabinet, and finally to the recall of Genet. Partly from discontent with a position in which he did not feel that he possessed the absolute confidence of the President, and partly because of the embarrassed condition of his private affairs, due mainly to the ravages of war, Jefferson resigned his seat in the cabinet, December

31, 1793, and retired to Monticello. He resigned office at a fortunate time for his reputation. His correspondence with George Hammond, the English Plenipotentiary, and Edmond Genet, the French Plenipotentiary, had just been published in a formidable pamphlet, and Jefferson's letters were so moderate, conciliatory and just, that they won even the approval of the Federalists. John Marshall, Chief Justice of the United States, and a confirmed Federalist, writes in his "Life of Washington" that this correspondence lessened the hostility of Jefferson's opponents, without diminishing the attachment of his friends.

JEFFERSON'S WORKS.

REPORTS AND OPINIONS
WHILE SECRETARY OF STATE.

Report on the methods for obtaining Fresh Water from Salt.

The Secretary of State, to whom was referred by the House of Representatives of the United States, the petition of Jacob Isaacs of Newport in Rhode Island, has examined into the truth and importance of the allegations therein set forth, and makes thereon the following report:

The petitioner sets forth, that by various experiments, with considerable labor and expense, he has discovered a method of converting salt-water into fresh, in the proportion of 8 parts out of 10, by a process so simple that it may be performed on board of vessels at sea by the common iron caboose, with small alterations, by the same fire, and in the same time, which is used for cooking the ship's provisions, and offers to convey to the government of the United States a faithful account of his art or secret,

to be used by, or within the United States, on their giving to him a reward suitable to the importance of the discovery, and in the opinion of government, adequate to his expenses and the time he has devoted to the bringing it into effect.

In order to ascertain the merit of the petitioner's discovery, it becomes necessary to examine the advances already made in the art of converting salt-water into fresh.

Lord Bacon, to whom the world is indebted for the first germs of so many branches of science, had observed, that with a heat sufficient for distillation, salt will not rise in vapor, and that salt-water distilled is fresh; and it would seem, that all mankind might have observed that the earth is supplied with fresh water chiefly by exhalation from the sea, which is, in fact, an insensible distillation effected by the heat of the sun; yet this, although the most obvious, was not the first idea in the essays for converting salt-water into fresh; filtration was tried in vain, and congelation could be resorted to only in the coldest regions and seasons. In all the earlier trials by distillation, some mixture was thought necessary to aid the operation by a partial precipitation of the salt, and other foreign matters contained in sea-water. Of this kind, were the methods of Sir Richard Hawkins in the sixteenth century, of Glauber, Hauton, and Lister, in the seventeenth, and of Hales, Appleby, Butler, Chapman, Hoffman, and Dore, in the eighteenth; nor was there anything in

these methods worthy noting on the present occasion, except the very simple still contrived extempore by Captain Chapman, and made from such materials as are to be found on board every ship, great or small; this was a common pot, with a wooded lid of the usual form; in the centre of which a hole was bored to receive perpendicularly, a short wooden tube made with an inch-and-a-half auger, which perpendicular tube received at its top, and at an acute angle, another tube of wood also, which descended until it joined a third of pewter made by rolling up a dish and passing it obliquely through a cask of cold water; with this simple machine he obtained two quarts of fresh water an hour, and observed that the expense of fuel would be very trifling, if the still was contrived to stand on the fire along with the ship's boiler.

In 1762, Doctor Lind, proposing to make experiment of several different mixtures, first distilled rain-water, which he supposed would be the purest, and then sea-water, without any mixture, which he expected would be the least pure, in order to arrange between these two supposed extremes, the degree of merit of the several ingredients he meant to try; "to his great surprise," as he confesses, the sea-water distilled without any mixture, was as pure as the rain-water; he pursued the discovery and established the fact, that a pure and potable fresh water may be obtained from salt-water by simple distillation, without the aid of any mixture for fining or precipi-

tating its foreign contents. In 1767, he proposed an extempore still, which, in fact, was Chapman's, only substituting a gun-barrel instead of Chapman's pewter tube, and the hand-pump of the ship to be cut in two obliquely and joined again at an acute angle, instead of Chapman's wooden tubes bored expressly; or instead of the wooden lid and upright tube, he proposed a tea-kettle (without its lid or handle) to be turned bottom upwards over the mouth of the pot by way of still-head, and a wooden tube leading from the spout to a gun-barrel passing through a cask of water, the whole luted with equal parts of chalk and meal moistened with salt-water. With this apparatus of a pot, tea-kettle, and gun-barrel, the Dolphin, a twenty-gun ship, in her voyage around the world in 1768, from 56 gallons of sea-water and with 9 lbs. of wood and 69 lbs. of pit-coal made 42 gallons of good fresh water, at the rate of 8 gallons an hour. The Dorsetshire, in her passage from Gibraltar to Mahon in 1769, made 19 quarts of pure water in four hours with 10 lbs. of wood, and the Slambal in 1773, between Bombay and Bengal, with the hand-pump, gun-barrel, and a pot of 6 gallons of sea-water, made ten quarts of fresh water in three hours.

In 1771, Dr. Irvin putting together Lind's idea of distilling without a mixture, Chapman's still, and Dr. Franklin's method of cooling by evaporation, obtained a premium of five thousand pounds from the British parliament. He wet his tube constantly with a mop instead of passing it through a cask of

water; he enlarged its bore also, in order to give a free passage to the vapor, and thereby increase its quantity by lessening the resistance or pressure on the evaporating surface. This last improvement was his own; it doubtless contributed to the success of his process; and we may suppose the enlargement of the tube to be useful to that point at which the central parts of the vapor passing through it would begin to escape condensation. Lord Mulgrave used his method in his voyage towards the north pole in 1773, making from 34 to 40 gallons of fresh water a day, without any great addition of fuel, as he says.

M. de Bougainville, in his voyage round the world, used very successfully a still which had been contrived in 1763 by Poyssonier to guard against the water being thrown over from the boiler into the pipe, by the agitation of the ship. In this, one singularity was, that the furnace or fire-box was in the middle of the boiler, so that the water surrounded it in contact. This still, however, was expensive, and occupied much room.

Such were the advances already made in the art of obtaining fresh from salt-water, when Mr. Isaacs, the petitioner, suggested his discovery. As the merit of this could be ascertained by experiment only, the Secretary of State asked the favor of Mr. Rittenhouse, President of the American Philosophical Society, of Dr. Wistar, professor of chemistry in the college at Philadelphia, and Dr. Hutchinson, professor of chemistry in the University of Pennsyl-

vania, to be present at the experiments. Mr. Isaacs fixed the pot, a small caboose, with a tin cap and straight tube of tin passing obliquely through a cask of cold water; he made use of a mixture, the composition of which he did not explain, and from 24 pints of sea-water, taken up about three miles out of the Capes of Delaware, at flood-tide, he distilled 22 pints of fresh water in four hours with 20 lbs. of seasoned pine, which was a little wetted by having lain in the rain.

In a second experiment of the 21st of March, performed in a furnace, and five-gallon still at the college, from 32 pints of sea-water he drew 31 pints of fresh water in 7 hours and 24 minutes, with 51 lbs. of hickory, which had been cut about six months. In order to decide whether Mr. Isaacs' mixture contributed in any and what degree to the success of the operation, it was thought proper to repeat his experiment under the same circumstances exactly, except the omission of the mixture. Accordingly, on the next day, the same quantity of sea-water was put into the same still, the same furnace was used, and fuel from the same parcel; it yielded, as his had done, 31 pints fresh water in 11 minutes more of time, and with 10 lbs. less of wood.

On the 24th of March, Mr. Isaacs performed a third experiment. For this, a common iron pot of three and a half gallons was fixed in brick work, and the flue from the hearth wound once around this pot spirally, and then passed off up a chimney.

The cap was of tin, and a straight tin tube of about two inches diameter passing obliquely through a barrel of water, served instead of a worm. From sixteen pints of sea-water he drew off fifteen pints of fresh water, in two hours fifty-five minutes, with 3 lbs. of dry hickory and 8 lbs. of seasoned pine. This experiment was also repeated the next day, with the same apparatus, and fuel from the same parcel; but without the mixture, sixteen pints of sea-water yielded in like manner fifteen pints of fresh in one minute more of time, and with ½ lb. less of wood On the whole, it was evident that Mr. Isaacs' mixture produced no advantage either in the process or result of the distillation.

The distilled water in all these instances, was found on experiment to be as pure as the best pump water of the city; its taste, indeed, was not as agreeable, but it was not such as to produce any disgust. In fact, we drink, in common life, in many places, and under many circumstances, and almost always at sea, a worse tasting and probably a less wholesome water.

The obtaining fresh from salt-water was for ages considered as an important desideratum for the use of navigators. The process for doing this by simple distillation is so efficacious, the erecting an extempore still with such utensils as are found on board of every ship, is so practicable, as to authorize the assertion that this desideratum is satisfied to a very useful degree. But though this has been done for

upwards of thirty years, though its reality has been established by the actual experience of several vessels which have had recourse to it, yet neither the fact nor the process is known to the mass of seamen, to whom it would be the most useful, and for whom it was principally wanted. The Secretary of State is therefore of opinion that since the subject has now been brought under observation, it should be made the occasion of disseminating its knowledge generally and effectually among the seafaring citizens of the United States. The following is one of the many methods which might be proposed for doing this: Let the clearance for every vessel sailing from the ports of the United States be printed on a paper, in the back whereof shall be a printed account of the essays which have been made for obtaining fresh from salt-water, mentioning shortly those which have been unsuccessful, and more fully those which have succeeded, describing the methods which have been found to answer for constructing extempore stills of such implements as are generally on board of every vessel, with a recommendation in all cases where they shall have occasion to resort to this expedient for obtaining water, to publish the result of their trial in some gazette on their return to the United States, or to communicate it for publication to the office of the Secretary of State, in order that others may, by their success, be encouraged to make similar trials, and be benefited by any improvements or new ideas which may occur to them in practice.

Opinion on the proposition for establishing a Woollen Manufactory in Virginia.

The House of Delegates of Virginia seemed disposed to adventure £2,500 for the encouragement of this undertaking, but the Senate did not concur. By their returning to the subject, however, at a subsequent session, and wishing more specific propositions, it is probable they might be induced to concur, if they saw a certain provision that their money would not be paid for nothing. Some unsuccessful experiments heretofore may have suggested this caution.

Suppose the propositions brought into some such shape as this: The undertaker is to contribute £1,000, the State £2,500, viz.: the undertaker having laid out his £1,000 in the necessary implements to be brought from Europe, and these being landed in Virginia as a security that he will proceed, let the State pay for the first necessary purposes then to occur £1,000

Let it pay him a stipend of £100 a year for the first three years 300

Let it give him a bounty (suppose one-third) on every yard of woollen cloth equal to good plains, which he shall weave for five years, not exceeding £250 a year (20,000 yards) the four first years, and £200 the fifth 1,200

£2,500

To every workman whom he shall import, let them give, after he shall have worked in the manufactory five years, warrants for —— acres of land, and pay the expenses of survey, patents, &c. [This last article is to meet the proposition of the undertaker. I do not like it, because it tends to draw off the manufacturer from his trade. I should better like a premium to him on his continuance in it; as, for instance, that he should be free from State taxes as long as he should carry on his trade.]

The President's intervention seems necessary till the contracts shall be concluded. It is presumed he would not like to be embarrassed afterwards with the details of superintendence. Suppose, in his answer to the Governor of Virginia, he should say that the undertaker being in Europe, more specific propositions cannot be obtained from him in time to be laid before this assembly; that in order to secure to the State the benefits of the establishment, and yet guard them against an unproductive grant of money, he thinks some plan like the preceding one might be proposed to the undertaker.

That as it is not known whether he would accept it exactly in that form, it might disappoint the views of the State were they to prescribe that or any other form rigorously, consequently that a discretionary power must be given to a certain extent.

That he would willingly coöperate with their executive in effecting the contract, and certainly would not conclude it on any terms worse for the State

than those before explained, and that the contracts being once concluded, his distance and other occupations would oblige him to leave the execution open to the Executive of the State.

The Report on Copper Coinage, communicated to the House of Representatives, April 15th, 1790.

April 14, 1790.

The Secretary of State, to whom was referred, by the House of Representatives, the letter of John H. Mitchell, reciting certain proposals for supplying the United States with copper coinage, has had the same under consideration, according to instructions, and begs leave to report thereon as follows:

The person who wishes to undertake the supply of a copper coinage, sets forth, that the superiority of his apparatus and process for coining, enables him to furnish a coinage better and cheaper than can be done by any country or person whatever; that his dies are engraved by the first artist in that line in Europe; that his apparatus for striking the edge at the same blow with the faces, is new, and singularly ingenious; that he coins by a press on a new principle, and worked by a fire-engine, more regularly than can be done by hand; that he will deliver any quantity of coin, of any size and device, of pure, unalloyed copper, wrapped in paper and packed in casks, ready for shipping, for fourteen pence sterling the pound.

The Secretary of State has before been apprized,

from other sources of information, of the great improvements made by this undertaker, in sundry arts; he is acquainted with the artist who invented the method of striking the edge, and both faces of the coin at one blow; he has seen his process and coins, and sent to the former Congress some specimens of them, with certain offers from him, before he entered into the service of the present undertaker, (which specimens he takes the liberty of now submitting to the inspection of the House, as proofs of the superiority of this method of coinage, in gold and silver as well as copper).

He is, therefore, of opinion, that the undertaker, aided by that artist, and by his own excellent machines, is truly in a condition to furnish coin in a state of higher perfection than has ever yet been issued by any nation; that perfection in the engraving is among the greatest safeguards against counterfeits, because engravers of the first class are few, and elevated by their rank in their art, far above the base and dangerous business of counterfeiting. That the perfection of coins will indeed disappear, after they are for some time worn among other pieces, and especially where the figures are rather faintly relieved, as on those of this artist; yet, their high finishing, while new, is not the less a guard against counterfeits, because these, if carried to any extent, may be ushered into circulation new, also, and consequently, may be compared with genuine coins in the same state; that, therefore, whenever the United

States shall be disposed to have a coin of their own, it will be desirable to aim at this kind of perfection. That this cannot be better effected, than by availing themselves, if possible, of the services of the undertaker, and of this artist, whose excellent methods and machines are said to have abridged, as well as perfected, the operations of coinage. These operations, however, and their expense, being new, and unknown here, he is unable to say whether the price proposed be reasonable or not. He is also uncertain whether, instead of the larger copper coin, the Legislature might not prefer a lighter one of billon, or mixed metal, as is practised, with convenience, by several other nations—a specimen of which kind of coinage is submitted to their inspection.

But the propositions under consideration suppose that the work is to be carried on in a foreign country, and that the implements are to remain the property of the undertaker; which conditions, in his opinion, render them inadmissible, for these reasons:

Coinage is peculiarly an attribute of sovereignty. To transfer its exercise into another country, is to submit it to another sovereign.

Its transportation across the ocean, besides the ordinary dangers of the sea, would expose it to acts of piracy, by the crews to whom it would be confided, as well as by others apprized of its passage.

In time of war, it would offer to the enterprises of an enemy, what have been emphatically called the sinews of war.

If the war were with the nation within whose territory the coinage is, the first act of war, or reprisal, might be to arrest this operation, with the implements and materials coined and uncoined, to be used at their discretion.

The reputation and principles of the present undertaker are safeguards against the abuses of a coinage, carried on in a foreign country, where no checks could be provided by the proper sovereign, no regulations established, no police, no guard exercised; in short, none of the numerous cautions hitherto thought essential at every mint; but in hands less entitled to confidence, these will become dangers. We may be secured, indeed, by proper experiments as to the purity of the coin delivered us according to contract, but we cannot be secured against that which, though less pure, shall be struck in the genuine die, and protected against the vigilance of Government, till it shall have entered into circulation.

We lose the opportunity of calling in and re-coining the clipped money in circulation, or we double our risk by a double transportation.

We lose, in like manner, the resource of coining up our household plate in the instant of great distress.

We lose the means of forming artists to continue the works, when the common accidents of mortality shall have deprived us of those who began them.

In fine, the carrying on a coinage in a foreign country, as far as the Secretary knows, is without example; and general example is weighty authority.

He is, therefore, of opinion, on the whole, that a mint, whenever established, should be established at home; that the superiority, the merit, and means of the undertaker, will suggest him as the proper person to be engaged in the establishment and conduct of a mint, on a scale which, relinquishing nothing in the perfection of the coin, shall be duly proportioned to our purposes.

And, in the meanwhile, he is of opinion the present proposals should be declined.

Opinion on the question whether the Senate has the right to negative the grade of persons appointed by the Executive to fill Foreign Missions.

New York, April 24, 1790.

The constitution having declared that the President shall *nominate* and, by and with the advice and consent of the Senate, shall *appoint* ambassadors, other public ministers, and consuls, the President desired my opinion whether the Senate has a right to negative the *grade* he may think it expedient to use in a foreign mission as well as the *person* to be appointed.

I think the Senate has no right to negative the *grade*.

The constitution has divided the powers of government into three branches, Legislative, Executive and Judiciary, lodging each with a distinct magis-

tracy. The Legislative it has given completely to the Senate and House of Representatives. It has declared that the Executive powers shall be vested in the President, submitting special articles of it to a negative by the Senate, and it has vested the Judiciary power in the courts of justice, with certain exceptions also in favor of the Senate.

The transaction of business with foreign nations is Executive altogether. It belongs, then, to the head of that department, except as to such portions of it as are specially submitted to the Senate. Exceptions are to be construed strictly.

The Constitution itself indeed has taken care to circumscribe this one within very strict limits; for it gives the *nomination* of the foreign agents to the President, the *appointments* to him and the Senate jointly, and the *commissioning* to the President.

This analysis calls our attention the strict import of each term. To *nominate* must be to *propose*. *Appointment* seems that act of the will which constitutes or makes the agent, and the *commission* is the public evidence of it. But there are still other acts previous to these not specially enumerated in the constitution, to wit: 1st. The destination of a mission to the particular country where the public service calls for it, and second the character or grade to be employed in it. The natural order of all these is first, destination; second, grade; third, nomination; fourth, appointment; fifth, commission. If *appointment* does not comprehend the neighboring

acts of *nomination* or *commission*, (and the Constitution says it shall not, by giving them exclusively to the President,) still less can it pretend to comprehend those previous and more remote, of *destination* and *grade*.

The Constitution, analysing the three last, shows they do not comprehend the two first. The fourth is the only one it submits to the Senate, shaping it into a right to say that "A or B is unfit to be appointed." Now, this cannot comprehend a right to say that "A or B is indeed fit to be appointed," but the grade fixed on is not the fit one to employ, or, "our connections with the country of his destination are not such as to call for any mission."

The Senate is not supposed by the constitution to be acquainted with the concerns of the Executive department. It was not intended that these should be communicated to them, nor can they therefore be qualified to judge of the necessity which calls for a mission to any particular place, or of the particular grade, more or less marked, which special and secret circumstances may call for. All this is left to the President. They are only to see that no unfit person be employed.

It may be objected that the Senate may by continual negatives on the *person*, do what amounts to a negative on the *grade*, and so, indirectly, defeat this right of the President. But this would be a breach of trust; an abuse of power confided to the Senate, of which that body cannot be supposed capable. So

the President has a power to convoke the Legislature, and the Senate might defeat that power by refusing to come. This equally amounts to a negative on the power of convoking. Yet nobody will say they possess such a negative, or would be capable of usurping it by such oblique means. If the Constitution had meant to give the Senate a negative on the grade or destination, as well as the person, it would have said so in direct terms, and not left it to be effected by a sidewind. It could never mean to give them the use of one power through the abuse of another.

Opinion upon the validity of a grant made by the State of Georgia to certain companies of individuals, of a tract of country whereof the Indian right had never been extinguished, with power to such individuals to extinguish the Indian right.

May 3d, 1790.

The State of Georgia, having granted to certain individuals a tract of country, within their chartered limits, whereof the Indian right has never yet been acquired; with a proviso in the grants, which implies that those individuals may take measures for extinguishing the Indian rights under the authority of that Government, it becomes a question how far this grant is good?

A society, taking possession of a vacant country, and declaring they mean to occupy it, does thereby

appropriate to themselves as prime occupants what was before common. A practice introduced since the discovery of America, authorizes them to go further, and to fix the limits which they assume to themselves; and it seems, for the common good, to admit this right to a moderate and reasonable extent.

If the country, instead of being altogether vacant, is thinly occupied by another nation, the right of the native forms an exception to that of the new comers; that is to say, these will only have a right against all other nations except the natives. Consequently, they have the exclusive privilege of acquiring the native right by purchase or other just means. This is called the right of preëmption, and is become a principle of the law of nations, fundamental with respect to America. There are but two means of acquiring the native title. First, war; for even war may, sometimes, give a just title. Second, contracts or treaty.

The States of America before their present union possessed completely, each within its own limits, the exclusive right to use these two means of acquiring the native title, and, by their act of union, they have as completely ceded both to the general government. Art. 2d, Section 1st, "The President shall have power, by and with the advice of the Senate, to make treaties, provided two thirds of the Senators present concur." Art. 1st, Section 8th, "The Congress shall have power to declare war, to raise and support armies." Section 10th, "No State shall

enter into any treaty, alliance or confederation. No State shall, without the consent of Congress, keep troops or ships of war in time of peace, enter into any agreement or compact with another State or with a foreign power, or engage in war, unless actually invaded or in such imminent danger as will not admit of delay."

These paragraphs of the Constitution, declaring that the general government shall have, and that the particular ones shall not have, the right of war and treaty, are so explicit that no commentary can explain them further, nor can any explain them away. Consequently, Georgia, *possessing the exclusive right to acquire the native title*, but having relinquished the *means* of doing it to the general government, can only have put her grantee into her own condition. She could convey to them the exclusive right to acquire; but she could not convey what she had not herself, that is, the means of acquiring.

For these they must come to the general government, in whose hands they have been wisely deposited for the purposes both of peace and justice.

What is to be done? The right of the general government is, in my opinion, to be maintained. The case is sound, and the means of doing it as practicable as can ever occur. But respect and friendship should, I think, mark the conduct of the general towards the particular government, and explanations should be asked and time and color given them to tread back their steps before coercion is held up to their view.

I am told there is already a strong party in Georgia opposed to the act of their government.

I should think it better then that the first measures, while firm, be yet so temperate as to secure their alliance and aid to the general government.

Might not the eclat of a proclamation revolt their pride and passion, and throw them hastily into the opposite scale? It will be proper indeed to require from the government of Georgia, in the first moment, that while the general government shall be expecting and considering her explanations, things shall remain in *statu quo*, and not a move be made towards carrying what they have begun into execution.

Perhaps it might not be superfluous to send some person to the Indians interested, to explain to them the views of government, and to watch with their aid the territory in question.

Opinion in favor of the resolutions of May 21st, 1790, directing that, in all cases where payment had not been already made, the debts due to the soldiers of Virginia and North Carolina, should be paid to the original claimants or their attorneys, and not to their assignees.

June 3d, 1790.

The accounts of the soldiers of Virginia and North Carolina, having been examined by the proper officer of government, the balances due to each individual

ascertained, and a list of these balances made out, this list became known to certain persons before the soldiers themselves had information of it, and those persons, by unfair means, as is said, and for very inadequate considerations, obtained assignments from many of the soldiers of whatever sum should be due to them from the public, without specifying the amount.

The legislature, to defeat this fraud, passed resolutions on the 21st of May, 1790, directing that where payment had not been made to the original claimant in person or his representatives, it shall be made to him or them personally, or to their attorney, producing a power for that purpose, attested by two justices of the county where he resides, and specifying the certain sum he is to receive.

It has been objected to these resolutions that they annul transfers of property which were good by the laws under which they were made; that they take from the assignees their lawful property; are contrary to the principles of the constitution, which condemn retrospective laws; and are, therefore, not worthy of the President's approbation.

I agree in an almost unlimited condemnation of retrospective laws. The few instances of wrong which they redress are so overweighed by the insecurity they draw over all property and even over life itself, and by the atrocious violations of both to which they lead that it is better to live under the evil than the remedy.

The only question I shall make is, whether these resolutions annul acts which were valid when they were done?

This question respects the laws of Virginia and North Carolina only. On the latter I am not qualified to decide, and therefore beg leave to confine myself to the former.

By the common law of England (adopted in Virginia) the conveyance of a right to a debt or other thing whereof the party is not in possession, is not only void, but severely punishable under the names of Maintenance and Champerty. The Law-merchants, however, which is permitted to have course between merchants, allows the assignment of a *bill of exchange* for the convenience of commerce. This, therefore, forms one exception to the general rule, that a mere right or thing in action is not assignable. A second exception has been formed by an English statute (copied into the laws of Virginia) permitting *promissory notes* to be assigned. The laws of Virginia have gone yet further than the statute, and have allowed, as a third exception, that a *bond* should be assigned, which cannot be done even at this day in England. So that, in Virginia, when a debt has been settled between the parties and put into the form of a bill of exchange, promissory note or bond, the law admits it to be transferred by assignment. In all other cases the assignment of a debt is void.

The debts from the United States to the soldiers

of Virginia, not having been put into either of these forms, the assignments of them were void in law.

A creditor may give an order on his debtor in favor of another, but if the debtor does not accept it, he must be sued in the creditor's name; which shows that the *order* does not transfer the property of the debts. The creditor may appoint another to be his attorney to receive and recover his debt, and he may covenant that when received the attorney may apply it to his own use. But he must sue as attorney to the original proprietor, and not in his own right.

This proves that a *power of attorney*, with such a *covenant*, does not transfer the property of the debt. A further proof in both cases is, that the original creditor may at any time before payment or acceptance revoke either his order or his power of attorney.

In that event the person in whose favor they were given has recourse to a court of equity. When there, the judge examines whether he has done equity. If he finds his transaction has been a fair one, he gives him aid. If he finds it has been otherwise, not permitting his court to be made a handmaid to fraud, he leaves him without remedy in equity as he was in law. The assignments in the present case, therefore, if unfairly obtained, as seems to be admitted, are void in equity as they are in law. And they derive their nullity from the laws under which they were made, not from the new resolutions of Congress. These are not retrospective. They only direct their

treasurer not to give validity to an assignment which had it not before, by payments to the assignee until he in whom the legal property still is, shall order it in such a form as to show he is apprized of the sum he is to part with, and its readiness to be paid into his or any other hands, and that he chooses, notwithstanding, to acquiesce under the fraud which has been practised on him. In that case he has only to execute before two justices a power of attorney to the same person, expressing the specific sum of his demand, and it is to be complied with. Actual payment, in this case, is an important act. If made to the assignee, it would put the burthen of proof and process on the original owner. If made to that owner, it puts it on the assignee, who must then come forward and show that his transaction has been that of an honest man.

Government seems to be doing in this what every individual, I think, would feel himself bound to do in the case of his own debt. For, being free in the law, to pay to the one or the other, he would certainly give the advantage to the party who has suffered wrong rather than to him who has committed it.

It is not honorable to take a mere legal advantage, when it happens to be contrary to justice.

But it is honorable to embrace a salutary principle of law when a relinquishment of it is solicited only to support a fraud.

I think the resolutions, therefore, merit approbation. I have before professed my incompetence to

say what are the laws of North Carolina on this subject. They, like Virginia, adopted the English laws in the gross. These laws forbid in general the buying and selling of debts, and their policy in this is so wise that I presume they had not changed it till the contrary be shown.

Plan for establishing uniformity in the Coinage, Weights, and Measures of the United States. Communicated to the House of Representatives, July 13, 1790.

New York, July 4, 1790.

Sir:—In obedience to the order of the House of Representatives of January 15th, I have now the honor to enclose you a report on the subject of measures, weights, and coins. The length of time which intervened between the date of the order and my arrival in this city, prevented my receiving it till the 15th of April; and an illness which followed soon after added, unavoidably, some weeks to the delay; so that it was not till about the 20th May that I was able to finish the report. A desire to lessen the number of its imperfections induced me still to withhold it awhile, till, on the 15th of June, came to my hands, from Paris, a printed copy of a proposition made by the Bishop of Autun, to the National Assembly of France, on the subject of weights and measures; and three days afterwards I received, through the channel of the public papers, the speech of Sir John Riggs Miller, of April 13th, in the British House of Commons, on the same subject. In the report which I had prepared, and was then about to give in, I had proposed the latitude of 38°, as that which should fix our standard, because it was the medium latitude of the United States; but the proposition before the National Assembly of France, to take that of 45° as being a middle term between the equator and both poles, and a term which consequently might unite the nations of both hemispheres, appeared to me so well chosen, and so just, that I did not hesitate a moment to prefer it to that of 38°. It became necessary, of course, to conform all my calculations to that standard—an operation which has been retarded by my other occupations.

These circumstances will, I hope, apologize for the delay which has attended th execution of the order of the House; and, perhaps, a disposition on their part to have due regard for the proceedings of other nations, engaged on the same subject, may induce them still to defer deciding ultimately on it till their next session. Should this be the case, and should any new matter occur in the meantime, I shall think it my duty to communicate it to the House, as supplemental to the present report.

I have the honor to be, with sentiments of the most profound respect,

Sir, your most obedient and most humble servant.

The Secretary of State, to whom was referred, by the House of Representatives, to prepare and report a proper plan or plans for establishing uniformity in the currency, weights, and measures of the United States, in obedience thereto, makes the following report:—

To obtain uniformity in measures, weights, and coins, it is necessary to find some measure of invariable length, with which, as a standard, they may be compared.

There exists not in nature, as far as has been hitherto observed, a single subject or species of subject, accessible to man, which presents one constant and uniform dimension.

The globe of the earth itself, indeed, might be considered as invariable in all its dimensions, and that its circumference would furnish an invariable measure; but no one of its circles, great or small, is accessible to admeasurement through all its parts, and the various trials to measure definite portions of them, have been of such various results as to show there is no dependence on that operation for certainty.

Matter, then, by its mere extension, furnishing nothing invariable, its motion is the only remaining resource.

The motion of the earth round its axis, though not absolutely uniform and invariable, may be considered as such for every human purpose. It is measured obviously, but unequally, by the departure of a given meridian from the sun, and its return to it, constituting a solar day. Throwing together the inequalities of solar days, a mean interval, or day, has been found, and divided, by very general consent, into 86,400 equal parts.

A pendulum, vibrating freely, in small and equal arcs, may be so adjusted in its length, as, by its vibrations, to make this division of the earth's motion into 86,400 equal parts, called seconds of mean time.

Such a pendulum, then, becomes itself a measure of determinate length, to which all others may be referred to as to a standard.

But even a pendulum is not without its uncertainties.

1. The difficulty of ascertaining, in practice, its centre of oscillation, as depending on the form of the bob, and its distance from the point of suspension; the effect of the weight of the suspending wire towards displacing the centre of oscillation; that centre being seated within the body of the bob, and therefore inaccessible to the measure, are sources of considerable uncertainty.

2. Both theory and experience prove that, to pre-

serve its isochronism, it must be shorter towards the equator, and longer towards the poles.

3. The height of the situation above the common level, as being an increment to the radius of the earth, diminishes the length of the pendulum.

4. The pendulum being made of metal, as is best, it varies its length with the variations in the temperature of the atmosphere.

5. To continue small and equal vibrations, through a sufficient length of time, and to count these vibrations, machinery and a power are necessary, which may exert a small but constant effort to renew the waste of motion; and the difficulty is so to apply these, as that they shall neither retard nor accelerate the vibrations.

1. In order to avoid the uncertainties which respect the centre of oscillation, it has been proposed by Mr. Leslie, an ingenious artist of Philadelphia, to substitute, for the pendulum, a uniform cylindrical rod, without a bob.

Could the diameter of such a rod be infinitely small, the centre of oscillation would be exactly at two-thirds of the whole length, measured from the point of suspension. Giving it a diameter which shall render it sufficiently inflexible, the centre will be displaced, indeed; but, in a second rod not the (1) six hundred thousandth part of its length, and not the hundredth part as much as in a second pendulum with a spherical bob of proper diameter. This displacement is so infinitely minute, then, that we may

consider the centre of oscillation, for all practical purposes, as residing at two-thirds of the length from the centre of suspension. The distance between these two centres might be easily and accurately ascertained in practice. But the whole rod is better for a standard than any portion of it, because sensibly defined at both its extremities.

2. The uncertainty arising from the difference of length requisite for the second pendulum, or the second rod, in different latitudes, may be avoided by fixing on some one latitude, to which our standard shall refer. That of 38°, as being the middle latitude of the United States, might seem the most convenient, were we to consider ourselves alone; but connected with other nations by commerce and science, it is better to fix on that parallel which bids fairest to be adopted by them also. The 45th, as being the middle term between the equator and pole, has been heretofore proposed in Europe, and the proposition has been lately renewed there under circumstances which may very possibly give it some effect. This parallel is distinguished with us also as forming our principal northern boundary. Let the completion of the 45th degree, then, give the standard for our union, with the hope that it may become a line of union with the rest of the world.

The difference between the second rod for 45° of latitude, and that for 31°, our other extreme, is to be examined.

The second *pendulum* for 45° of latitude, according

to Sir Isaac Newton's computation, must be of (2) 39.14912 inches English measure; and a *rod*, to vibrate in the same time, must be of the same length between the centres of suspension and oscillation; and, consequently, its whole length 58.7 (or, more exactly, 58.72368) inches. This is longer than the rod which shall vibrate seconds in the 31° of latitude, by about $\frac{1}{679}$ part of its whole length; a difference so minute, that it might be neglected, as insensible, for the common purposes of life, but, in cases requiring perfect exactness, the second rod, found by trial of its vibrations in any part of the United States, may be corrected by computation for the (3) latitude of the place, and so brought exactly to the standard of 45°.

3. By making the experiment in the level of the ocean, the difference will be avoided, which a higher position might occasion.

4. The expansion and contraction of the rod with the change of temperature, is the fourth source of uncertainty before mentioned. According to the high authority so often quoted, an iron rod, of given length, may vary, between summer and winter, in temperate latitudes, and in the common exposure of house clocks, from $\frac{1}{1728}$ to $\frac{1}{2592}$ of its whole length, which, in a rod of 58.7 inches, will be from about two to three hundredths of an inch. This may be avoided by adjusting and preserving the standard in a cellar, or other place, the temperature of which never varies. Iron is named for this purpose, because the least expansible of the metals.

5. The practical difficulty resulting from the effect of the machinery and moving power is very inconsiderable in the present state of the arts; and, in their progress towards perfection, will become less and less. To estimate and obviate this, will be the artist's province. It is as nothing when compared with the sources of inaccuracy hitherto attending measures.

Before quitting the subject of the inconveniences, some of which attend the pendulum alone, others both the pendulum and rod, it must be added that the rod would have an accidental but very precious advantage over the pendulum in this country, in the event of our fixing the foot at the nearest aliquot part of either; for the difference between the common foot, and those so to be deduced, would be three times greater in the case of the pendulum than in that of the rod.

Let the standard of measure, then, be a uniform cylindrical rod of iron, of such length as, in latitude 45°, in the level of the ocean, and in a cellar, or other place, the temperature of which does not vary through the year, shall perform its vibrations in small and equal arcs, in one second of mean time.

A standard of invariable length being thus obtained, we may proceed to identify, by that, the measures, weights and coins of the United States; but here a doubt presents itself as to the extent of the reformation meditated by the House of Repre-

sentatives. The experiment made by Congress in the year one thousand seven hundred and eighty-six, by declaring that there should be one money of account and payment through the United States, and that its parts and multiples should be in a decimal ratio,[1] has obtained such general approbation, both at home and abroad, that nothing seems wanting but the actual coinage, to banish the discordant pounds, shillings, pence, and farthings of the different States, and to establish in their stead the new denominations. Is it in contemplation with the House of Representatives to extend a like improvement to our measures and weights, and to arrange them also in a decimal ratio? The facility which this would introduce into the vulgar arithmetic would, unquestionably, be soon and sensibly felt by the whole mass of the people, who would thereby be enabled to compute for themselves whatever they should have occasion to buy, to sell, or to measure, which the present complicated and difficult ratios place beyond their computation for the most part. Or, is it the opinion of the Representatives that the difficulty of changing the established habits of a whole nation opposes an insuperable bar to this improvement? Under this uncertainty, the Secretary of State thinks it his duty to submit alternative plans, that the House may, at their will, adopt either the one or the other, exclusively, or the one for the present and the other for a future

[1] See Vol. I. p. 162.

time, when the public mind may be supposed to have become familiarized to it.

1. And first, on the supposition that the present measures and weights are to be retained but to be rendered uniform and invariable, by bringing them to the same invariable standard.

The first settlers of these States, having come chiefly from England, brought with them the measures and weights of that country. These alone are generally established among us, either by law or usage; and these, therefore, are alone to be retained and fixed. We must resort to that country for information of what they are, or ought to be.

This rests, principally, on the evidence of certain standard measures and weights, which have been preserved, of long time, in different deposits. But differences among these having been known to exist, the House of Commons, in the years 1757 and 1758, appointed committees to inquire into the original standards of their weights and measures. These committees, assisted by able mathematicians and artists, examined and compared with each other the several standard measures and weights, and made reports on them in the years 1758 and 1759. The circumstances under which these reports were made entitle them to be considered, as far as they go, as the best written testimony existing of the standard measures and weights of England; and as such, they will be relied on in the progress of this report.

MEASURES OF LENGTH.

The measures of length in use among us are:

The league of 3 miles,
The mile of 8 furlongs,
The furlong of 40 poles or perches,
The pole or perch of 5½ yards,
The fathom of 2 yards,
The ell of a yard and quarter,
The yard of 3 feet,
The foot of 12 inches, and
The inch of 10 lines.

On this branch of their subject, the committee of 1757–1758, says that the standard measures of length at the receipt of the exchequer, are a yard, supposed to be of the time of Henry VII., and a yard and ell supposed to have been made about the year 1601: that they are brass rods, very coarsely made, their divisions not exact, and the rods bent; and that in the year 1742, some members of the Royal Society had been at great pains in taking an exact measure of these standards, by very curious instruments, prepared by the ingenious Mr. Graham; that the Royal Society had had a brass rod made pursuant to their experiments, which was made so accurately, and by persons so skilful and exact, that it was thought not easy to obtain a more exact one; and the committee, in fact, found it to agree with the standards at the exchequer, as near as it was possible. They furnish no means, to persons at a distance, of knowing what

this standard is. This, however, is supplied by the evidence of the second pendulum, which, according to the authority before quoted, is, at London, 39.1682 English inches, and, consequently, the second rod there is of 58.7523 of the same inches. When we shall have found, then, by actual trial, the second rod for 45° by adding the difference of their computed length, to wit: $\frac{2}{10}\frac{8}{0}\frac{7}{0}\frac{}{0}$ of an inch, or rather $\frac{3}{10}$ of a line (which in practice will endanger less error than an attempt at so minute a fraction as the ten thousandth parts of an inch) we shall have the second rod of London, or a true measure of 58¾ English inches. Or, to shorten the operation, without varying the result,

Let the standard rod of 45° be divided into $587\frac{1}{5}$ equal parts, and let each of these parts be declared a line.

10 lines an inch,
12 inches a foot,
3 feet a yard,
3 feet 9 inches an ell,
6 feet a fathom,
5½ yards a perch or pole,
40 poles or perches a furlong,
8 furlongs a mile,
3 miles a league.

SUPERFICIAL MEASURES.

Our measures of surface are, the acre, of 4 roods and the rood of 40 square poles; so established by a statute of 33 Edw. 1. Let them remain the same.

MEASURES OF CAPACITY.

The measures of capacity in use among us are of the following names and proportions:

The gill, four of which make a pint.

Two pints make a quart.

Two quarts a pottle.

Two pottles a gallon.

Two gallons a peck, dry measure.

Eight gallons make a measure called a firkin, in liquid substances, and a bushel, dry.

Two firkins, or bushels, make a measure called a rundlet or kilderkin, liquid, and a strike, dry.

Two kilderkins, or strikes, make a measure called a barrel, liquid, and a coomb, dry; this last term being ancient and little used.

Two barrels, or coombs, make a measure called a hogshead, liquid, or a quarter, dry; each being the quarter of a ton.

A hogshead and a third make a tierce, or third of a ton.

Two hogsheads make a pipe, butt, or puncheon; and

Two pipes make a ton.

But no one of these measures is of a determinate capacity. The report of the committee of 1757–8, shows that the gallon is of very various content; and that being the unit, all the others must vary with it.

The gallon and bushel contain—

224 and 1792 cubic inches, according to the standard wine gallon preserved at Guildhall.

231 and 1848, according to the statute of 5th of Anne.

264.8 and 2118.4, according to the ancient Rumford quart, of 1228, examined by the committee.

265.5 and 2124, according to three standard bushels preserved in the Exchequer, to wit: one of Henry VII., without a rim; one dated 1091, supposed for 1591, or 1601, and one dated 1601.

266.25 and 2130, according to the ancient Rumford gallon of 1228, examined by the committee.

268.75 and 2150, according to the Winchester bushel, as declared by statute 13, 14, William III., which has been the model for some of the grain States.

271, less 2 spoonfuls, and 2168, less 16 spoonfuls, according to a standard gallon of Henry VII., and another dated 1601, marked E. E., both in the Exchequer.

271 and 2168, according to a standard gallon in the Exchequer, dated 1601, marked E., and called the corn gallon.

272 and 2176, according to the three standard corn gallons last mentioned, as measured in 1688, by an artist for the Commissioners of the Excise, generally used in the seaport towns, and by mercantile people, and thence introduced into some of the grain States.

277.18 and 2217.44, as established for the measure of coal by the statute 12 Anne.

278 and 2224, according to the standard bushel of Henry VII., with a copper rim, in the Exchequer.

278.4 and 2227.2, according to two standard pints of 1601 and 1602, in the Exchequer.

280 and 2240, according to the standard quart of 1601, in the Exchequer.

282 and 2256, according to the standard gallon for beer and ale in the Treasury.

There are, moreover, varieties on these varieties, from the barrel to the ton, inclusive; for, if the barrel be of herrings, it must contain 28 gallons by the statute 13 Eliz. c. 11. If of wine, it must contain 31½ gallons by the statute 2 Henry VI. c. 11, and 1 Rich. III. c. 15. If of beer or ale, it must contain 34 gallons by the statute 1 William and Mary, c. 24, and the higher measures in proportion.

In those of the United States which have not adopted the statutes of William and Mary, and of Anne before cited, nor their substance, the wine gallon of 231 cubic inches rests on the authority of very long usage, before the 5th of Anne, the origin and foundation of which are unknown; the bushel is the Winchester bushel, by the 11 Henry VII. undefined; and the barrel of ale 32 gallons, and of beer 36 gallons, by the statute 23 Henry VIII. c. 4.

The Secretary of State is not informed whether

there have been any, and what, alterations of these measures by the laws of the particular States.

It is proposed to retain this series of measures, but to fix the gallon to one determinate capacity, as the unit of measure, both wet and dry; for convenience is in favor of abolishing the distinction between wet and dry measures.

The wine gallon, whether of 224 or 231 cubic inches, may be altogether disregarded, as concerning, principally, the mercantile and the wealthy, the least numerous part of the society, and the most capable of reducing one measure to another by calculation. This gallon is little used among the mass of farmers, whose chief habits and interests are in the size of the corn bushel.

Of the standard measures before stated, two are principally distinguished in authority and practice. The statute bushel of 2150 cubic inches, which gives a gallon of 268.75 cubic inches, and the standard gallon of 1601, called the corn gallon of 271 or 272 cubic inches, which has introduced the mercantile bushel of 2276 inches. The former of these is most used in some of the grain States, the latter in others. The middle term of 270 cubic inches may be taken as a mutual compromise of convenience, and as offering this general advantage: that the bushel being of 2160 cubic inches, is exactly a cubic foot and a quarter, and so facilitates the conversion of wet and dry measures into solid contents and tonnage, and simplifies the connection of measures

and weights, as will be shown hereafter. It may be added, in favor of this, as a medium measure, that eight of the standard, or statute measures before enumerated, are below this term, and nine above it.

The measures to be made for use, being four sided, with rectangular sides and bottom.

The pint will be 3 inches square, and 3¾ inches deep;

The quart 3 inches square, and 7½ inches deep;

The pottle 3 inches square, and 15 inches deep, or 4½, 5, and 6 inches;

The gallon 6 inches square, and 7½ inches deep, or 5, 6, and 9 inches;

The peck 6, 9, and 10 inches;

The half bushel 12 inches square, and 7½ inches deep; and

The bushel 12 inches square, and 15 inches deep, or 9, 15, and 16 inches.

Cylindrical measures have the advantage of superior strength, but square ones have the greater advantage of enabling every one who has a rule in his pocket, to verify their contents by measuring them. Moreover, till the circle can be squared, the cylinder cannot be cubed, nor its contents exactly expressed in figures.

Let the measures of capacity, then, for the United States be—

A gallon of 270 cubic inches;

The gallon to contain 2 pottles;

The pottle 2 quarts;
The quart 2 pints;
The pint 4 gills;
Two gallons to make a peck;
Eight gallons a bushel or firkin;
Two bushels, or firkin, a strike or kilderkin;
Two strikes, or kilderkins, a coomb or barrel;
Two coombs, or barrels, a quarter or hogshead;
A hogshead and a third one tierce;
Two hogsheads a pipe, butt, or puncheon; and
Two pipes a ton.
And let all measures of capacity of dry subjects be stricken with a straight strike.

WEIGHTS.

There are two series of weights in use among us; the one called avoirdupois, the other troy.

In the Avoirdupois series:

The pound is divided into 16 ounces;
The ounce into 16 drachms;
The drachm into 4 quarters.

In the Troy series:

The pound is divided into 12 ounces;
The ounce (according to the subdivision of the apothecaries) into 8 drachms;
The drachm into 3 scruples;
The scruple into 20 grains.
According to the subdivision for gold and silver,

the ounce is divided into twenty pennyweights, and the pennyweight into twenty-four grains.

So that the pound troy contains 5760 grains, of which 7000 are requisite to make the pound avoirdupois; of course the weight of the pound troy is to that of the pound avoirdupois as 5760 to 7000, or as 144 to 175.

It is remarkable that this is exactly the proportion of the ancient liquid gallon of Guildhall of 224 cubic inches, to the corn gallon of 272; for 224 are to 272 as 144 to 175. (4.)

It is further remarkable still, that this is also the exact proportion between the specific weight of any measure of wheat, and of the same measure of water: for the statute bushel is of 64 pounds of wheat. Now as 144 to 175, so are 64 pounds to 77.7 pounds; but 77.7 pounds is known to be the weight of (5.) 2150.4 cubic inches of pure water, which is exactly the content of the Winchester bushel, as declared by the statute 13, 14, Will. 3. That statute determined the bushel to be a cylinder of 18½ inches diameter, and 8 inches depth. Such a cylinder, as nearly as it can be cubed, and expressed in figures, contains 2150.425 cubic inches; a result which reflects authority on the declaration of Parliament, and induces a favorable opinion of the care with which they investigated the contents of the ancient bushel, and also a belief that there might exist evidence of it at that day, unknown to the committees of 1758 and 1759.

We find, then, in a continued proportion 64 to 77.7 as 224 to 272, and as 144 to 175, that is to say, the specific weight of a measure of wheat, to that of the same measure of water, as the cubic contents of the wet gallon, to those of the dry; and as the weight of a pound troy to that of a pound avoirdupois.

This seems to have been so combined as to render it indifferent whether a thing were dealt out by weight or measure; for the dry gallon of wheat, and the liquid one of wine, were of the same weight; and the avoirdupois pound of wheat, and the troy pound of wine, were of the same measure. Water and the vinous liquors, which enter most into commerce, are so nearly of a weight, that the difference, in moderate quantities, would be neglected by both buyer and seller; some of the wines being a little heavier, and some a little lighter, than water.

Another remarkable correspondence is that between weights and measures. For 1000 ounces avoirdupois of pure water fill a cubic foot, with mathematical exactness.

What circumstances of the times, or purposes of barter or commerce, called for this combination of weights and measures, with the subjects to be exchanged or purchased, are not now to be ascertained. But a triple set of exact proportionals representing weights, measures, and the things to be weighed and measured, and a relation so integral between weights and solid measures, must have

been the result of design and scientific calculation, and not a mere coincidence of hazard. It proves that the dry and wet measures, the heavy and light weights, must have been original parts of the system they compose—contrary to the opinion of the committee of 1757, 1758, who thought that the avoirdupois weight was not an ancient weight of the kingdom, nor ever even a legal weight, but during a single year of the reign of Henry VIII.; and, therefore, concluded, otherwise than will be here proposed, to suppress it altogether. Their opinion was founded chiefly on the silence of the laws as to this weight. But the harmony here developed in the system of weights and measures, of which the avoirdupois makes an essential member, corroborated by a general use, from very high antiquity, of that, or of a nearly similar weight under another (6.) name, seem stronger proofs that this is legal weight, than the mere silence of the written laws is of the contrary.

Be this as it may, it is in such general use with us, that, on the principle of popular convenience, its higher denominations, at least, must be preserved. It is by the avoirdupois pound and ounce that our citizens have been used to buy and sell. But the smaller subdivisions of drachms and quarters are not in use with them. On the other hand, they have been used to weigh their money and medicine with the pennyweights and grains troy weight, and are not in the habit of using the pounds and ounces of that series. It would be for their convenience, then,

to suppress the pound and ounce troy, and the drachm and quarter avoirdupois; and to form into one series the avoirdupois pound and ounce, and the troy pennyweight and grain. The avoirdupois ounce contains 18 pennyweights 5½ grains troy weight. Divide it, then, into 18 pennyweights, and the pennyweight, as heretofore, into 24 grains, and the new pennyweight will contain between a third and a quarter of a grain more than the present troy pennyweight; or, more accurately, it will be to that as 875 to 864—a difference not to be noticed, either in money or medicine, below the denomination of an ounce.

But it will be necessary to refer these weights to a determinate mass of some substance, the specific gravity of which is invariable. Rain water is such a substance, and may be referred to everywhere, and through all time. It has been found by accurate experiments that a cubic foot of rain water weighs 1000 ounces avoirdupois, standard weights of the exchequer. It is true that among these standard weights the committee report small variations; but this experiment must decide in favor of those particular weights, between which, and an integral mass of water, so remarkable a coincidence has been found. To render this standard more exact, the water should be weighed always in the same temperature of air; as heat, by increasing its volume, lessens its specific gravity. The cellar of uniform temperature is best for this also.

Let it, then, be established that an ounce is of the weight of a cube of rain water, of one-tenth of a foot; or, rather, that it is the thousandth part of the weight of a cubic foot of rain water, weighed in the standard temperature; that the series of weights of the United States shall consist of pounds, ounces, pennyweights, and grains; whereof

24 grains shall be one pennyweight;
18 pennyweights one ounce;
16 ounces one pound.

COINS.

Congress, in 1786, established the money unit at 375.64 troy grains of pure silver. It is proposed to enlarge this by about the third of a grain in weight, or a mill in value; that is to say, to establish it at 376 (or, more exactly, 375.989343) instead of 375.64 grains; because it will be shown that this, as the unit of coin, will link in system with the units of length, surface, capacity, and weight, whenever it shall be thought proper to extend the decimal ratio through all these branches. It is to preserve the possibility of doing this, that this very minute alteration is proposed.

We have this proportion, then, 875 to 864, as 375.989343 grains troy to 371.2626277; the expression of the unit in the new grains.

Let it be declared, therefore, that the money unit, or dollar of the United States, shall contain 371.262 American grains of pure silver.

If nothing more, then, is proposed, than to render uniform and stable the system we already possess, this may be effected on the plan herein detailed; the sum of which is: 1st. That the present measures of length be retained, and fixed by an invariable standard. 2d. That the measures of surface remain as they are, and be invariable also as the measures of length to which they are to refer. 3d. That the unit of capacity, now so equivocal, be settled at a medium and convenient term, and defined by the same invariable measures of length. 4th. That the more known terms in the two kinds of weights be retained, and reduced to one series, and that they be referred to a definite mass of some substance, the specific gravity of which never changes. And 5th. That the quantity of pure silver in the money unit be expressed in parts of the weights so defined.

In the whole of this no change is proposed, except an insensible one in the troy grain and pennyweight, and the very minute one in the money unit.

II. But if it be thought that, either now, or at any future time, the citizens of the United States may be induced to undertake a thorough reformation of their whole system of measures, weights and coins, reducing every branch to the same decimal ratio already established in their coins, and thus bringing the calculation of the principal affairs of life within the arithmetic of every man who can multiply and divide plain numbers, greater changes will be necessary.

The unit of measure is still that which must give law through the whole system; and from whatever unit we set out, the coincidences between the old and new ratios will be rare. All that can be done, will be to choose such a unit as will produce the most of these. In this respect the second rod has been found, on trial, to be far preferable to the second pendulum.

MEASURES OF LENGTH.

Let the second rod, then, as before described, be the standard of measure; and let it be divided into five equal parts, each of which shall be called a foot; for, perhaps, it may be better generally to retain the name of the nearest present measure, where there is one tolerably near. It will be about one quarter of an inch shorter than the present foot.

Let the foot be divided into 10 inches;
The inch into 10 lines;
The line into 10 points;
Let 10 feet make a decad;
10 decads one rood;
10 roods a furlong;
10 furlongs a mile.

SUPERFICIAL MEASURES.

Superficial measures have been estimated, and so may continue to be, in squares of the measures of length, except in the case of lands, which have been estimated by squares, called roods and acres. Let

the rood be equal to a square, every side of which is 100 feet. This will be 6.483 English feet less than the English (7.) rood every way, and 1311 square feet less in its whole contents; that is to say, about one-eighth; in which proportion, also, 4 roods will be less than the present acre.

MEASURES OF CAPACITY.

Let the unit of capacity be the cubic foot, to be called a bushel. It will contain 1620.05506862 cubic inches, English; be about one-fourth less than that before proposed to be adopted as a medium; one-tenth less than the bushel made from 8 of the Guildhall gallons; and one-fourteenth less than the bushel made from 8 Irish gallons of 217.6 cubic inches.

Let the bushel be divided into 10 pottles;
Each pottle into 10 demi-pints;
Each demi-pint into 10 metres, which will be of a cubic inch each.
Let 10 bushels be a quarter, and
10 quarters a last, or double ton.

The measures for use being four-sided, and the sides and bottoms rectangular, the bushel will be a foot cube.

The pottle 5 inches square and 4 inches deep;
The demi-pint 2 inches square, and 2½ inches deep;
The metre, an inch cube.

WEIGHTS.

Let the weight of a cubic inch of rain water, or the thousandth part of a cubic foot, be called an ounce; and let the ounce be divided into 10 double scruples:

The double scruple into 10 carats:
The carat into 10 minims or demi-grains;
The minim into 10 mites.
Let 10 ounces make a pound;
10 pounds a stone;
16 stones a kental;
10 kentals a hogshead.

COINS.

Let the money unit, or dollar, contain eleven-twelfths of an ounce of pure silver. This will be 376 troy grains, (or more exactly, 375.989343 troy grains,) which will be about a third of a grain, (or more exactly, .349343 of a grain, more than the present unit. This, with the twelfth of alloy already established, will make the dollar or unit, of the weight of an ounce, or of a cubic inch of rain water, exactly. The series of mills, cents, dimes, dollars, and eagles, to remain as already established. (8.)

The second rod, or the second pendulum, expressed in the measures of other countries, will give the proportion between their measures and those of the United States.

Measures, weights and coins, thus referred to standards unchangeable in their nature, (as is the

length of a rod vibrating seconds, and the weight of a definite mass of rain water,) will themselves be unchangeable. These standards, too, are such as to be accessible to all persons, in all times and places. The measures and weights derived from them fall in so nearly with some of those now in use, as to facilitate their introduction; and being arranged in decimal ratio, they are within the calculation of every one who possesses the first elements of arithmetic, and of easy comparison, both for foreigners and citizens, with the measures, weights, and coins of other countries.

A gradual introduction would lessen the inconveniences which might attend too sudden a substitution, even of an easier for a more difficult system. After a given term, for instance, it might begin in the custom-houses, where the merchants would become familiarized to it. After a further term, it might be introduced into all legal proceedings, and merchants and traders in foreign commodities might be required to use it in their dealings with one another. After a still further term, all other descriptions of people might receive it into common use. Too long a postponement, on the other hand, would increase the difficulties of its reception with the increase of our population.

Appendix, containing illustrations and developments of some passages of the preceding report.

(1.) In the second pendulum with a spherical bob,

call the distance between the centres of suspension and of the bob, 2×19.575, or 2d, and the radius of the bob $=r$; then $2d : r :: r : \frac{rr}{2d}$ and $\frac{2}{5}$ of this last proportional expresses the displacement of the centre of oscillation, to wit: $\frac{2rr}{5\times 2d}=\frac{rr}{5d}$. Two inches have been proposed as a proper diameter for such a bob. In that case r will be $=1$. inch, and $\frac{rr}{5d}=\frac{1}{9787}$ inches.

In the cylindrical second rod, call the length of the rod, 3×19.575. or 3d, and its radius $=r$ and $\frac{rr}{2\times 3d}=\frac{rr}{6d}$ will express the displacement of the centre of oscillation. It is thought the rod will be sufficiently inflexible if it be $\frac{1}{5}$ of an inch in diameter. Then r will be $=.1$ inch, and $\frac{rr}{6d}=\frac{1}{11745}$ inches, which is but the 120th part of the displacement in the case of the pendulum with a spherical bob, and but the 689,710th part of the whole length of the rod. If the rod be even of half an inch diameter, the displacement will be but $\frac{1}{1879}$ of an inch, or $\frac{1}{110356}$ of the length of the rod.

(2.) Sir Isaac Newton computes the pendulum for 45° to be 36 pouces 8.428 lignes. Picard made the English foot 11 pouces 2.6 lignes, and Dr. Maskelyne 11 pouces 3.11 lignes. D'Alembert states it at 11 pouces 3 lignes, which has been used in these calculations as a middle term, and gives us 36 pouces 8.428 lignes $=39.1491$ inches. This length for the pendulum of 45° had been adopted in this report before the Bishop of Autun's proposition was known here. He relies on Mairan's ratio for the length of the pendulum in the latitude of Paris, to wit:

504 : 257 :: 72 pouces to a 4th proportional, which will be 36.71428 pouces = 39.1619 inches, the length of the pendulum for latitude 48° 50′. The difference between this and the pendulum for 45° is .0113 of an inch; so that the pendulum for 45° would be estimated, according to Mairan, at 39.1619—.0113 = 39.1506 inches, almost precisely the same with Newton's computation herein adopted.

(3.) Sir Isaac Newton's computations for the different degrees of latitude, from 30° to 45°, are as follows:

	Pieds.	Lignes.		Pieds.	Lignes.
30°	3	7.948	42°	3	8.327
35	3	8.099	43	3	8.361
40	3	8.261	44	3	8.394
41	3	8.294	45	3	8.428

(4.) Or, more exactly, 144 : 175 :: 224 : 272.2.

(5.) Or, more exactly, 62.5 : 1728 :: 77.7 : 2150.39.

(6.) The merchant's weight.

(7.) The English rood contains 10,890 square feet = 104.355 feet square.

(8.) *The Measures, Weights, and Coins of the Decimal System, estimated in those of England, now used in the United States.*

I. MEASURES OF LENGTH.

	Feet.	Equivalent in English measure.
The point,	.001	.011 inch.
The line,	.01	.117
The inch,	.1	1.174, about $\frac{1}{7}$ more than the English inch.

	Feet.	Equivalent in English measure.
The foot,	1.	11.744736 .978728 feet, about $\frac{1}{48}$ less than the English foot.
The decad,	10.	9.787, about $\frac{1}{48}$ less than the 10 feet rod of the carpenters.
The rood,	100.	97.872, about $\frac{1}{116}$ less than the side of an English square rood.
The furlong,	1000.	978.728, about $\frac{1}{3}$ more than the English furlong.
The mile,	10000.	9787.28, about $1\frac{6}{7}$ English mile, nearly the Scotch and Irish mile, and $\frac{1}{2}$ the German mile.

2. SUPERFICIAL MEASURE.

	Roods.	
The hundredth,	.01	95.69 square feet English.
The tenth,	.1	957.9
The rood,	1.	9579.085
The double acre,	10.	2.199, or say 2.2 acres English.
The square furlong,	100.	22.

3. MEASURE OF CAPACITY.

	Bushels.	Cub. Inches.
The metre,	.001	1.62
The demi-pint,	.01	16.2, about $\frac{1}{24}$ less than the English half-pint.

	Bushels.	Cub. Inches.
The pottle,	.1	162.005, about $\frac{1}{6}$ more than the English pottle.
The bushel,	1.	1620.05506862 .937531868414884352 cu. feet.

about $\frac{1}{4}$ less than the middle sized English bushel.

The quarter,	10.	9.375, about $\frac{1}{5}$ less than the English quarter.
The last,	100.	93.753, about $\frac{1}{7}$ more than the English last.

4. WEIGHTS.

	Pounds.	Avoirdupois.	Troy.
Mite,	.00001		.041 grains, about $\frac{1}{5}$ less than the English mite.
Minim, or demi-grain,	.0001		.4101, about $\frac{1}{5}$ less than half-grain troy.
Carat,	.001		.4101, about $\frac{1}{40}$ more than the carat troy.
Double scruple,	.01		41.017, about $\frac{1}{40}$ more than 2 scruples troy.
Ounce,	.1	937531868414884352 oz.	410.170192431 .85452 oz.

about $\frac{1}{16}$ less than the ounce avoirdupois.

Pound,	1.	9.375 .585957417759 lb.	.712101 lb., about $\frac{1}{4}$ less than the pound troy.
Stone,	10.	93.753 oz. 5.8595 lb.	7.121 about $\frac{1}{4}$ less than the English stone of 8 lbs. avoirdupois.

Kental,	100.	937.531 oz. 58.5957 lb.	71.21 about $\frac{4}{10}$ less than the English kental of 100 lbs. avoirdupois.
Hogshead,	1000.	9375.318 oz. 585.9574 lb.	712.101

5. COINS.

Dollars.		Troy grains.	
The mill,	.001	Dollar, 1.	375.98934306 pure silver. 34.18084937 alloy.
The cent,	.01		
The dime,	.1		
		Eagle, 10.	410.17019243

Postscript.

January 10, 1791.

It is scarcely necessary to observe that the measures, weights, and coins, proposed in the preceding report, will be derived altogether from mechanical operations, viz.: A rod, vibrating seconds, divided into five equal parts, one of these sub-divided, and multiplied decimally, for every measure of length, surface, and capacity, and these last filled with water, to determine the weights and coins. The arithmetical estimates in the report were intended only to give an idea of what the new measures, weights, and coins, would be nearly, when compared with the old. The length of the standard or second rod, therefore, was assumed from that of the pendulum; and as there has been small differences in the estimates of the pendulum by different persons,

that of Sir Isaac Newton was taken, the highest authority the world has yet known. But, if even he has erred, the measures, weights, and coins proposed, will not be an atom the more or less. In cubing the new foot, which was estimated at .978728 of an English foot, or 11.744736 English inches, an arithmetical error of an unit happened in the fourth column of decimals, and was repeated in another line in the sixth column, so as to make the result one ten thousandth and one millionth of a foot too much. The thousandth part of this error (about one ten millionth of a foot) consequently fell on the metre of measure, the ounce weight, and the unit of money. In the last it made a difference of about the twenty-fifth part of a grain Troy, in weight, or the ninety-third of a cent in value. As it happened, this error was on the favorable side, so that the detection of it approximates our estimate of the new unit exactly that much nearer to the old, and reduces the difference between them to 34, instead of 38 hundredths of a grain Troy; that is to say, the money unit instead of 375.64 Troy grains of pure silver, as established heretofore, will now be 375.98934306 grains, as far as our knowledge of the length of the second pendulum enables us to judge; and the current of authorities since Sir Isaac Newton's time, gives reason to believe that his estimate is more probably above than below the truth, consequently future corrections of it will bring the estimate of the new unit still nearer to the old.

The numbers in which the arithmetical error before mentioned showed itself in the table, at the end of the report, have been rectified, and the table re-printed.

The head of superficial measures in the last part of the report, is thought to be not sufficiently developed. It is proposed that the rood of land, being 100 feet square, (and nearly a quarter of the present acre,) shall be the unit of land measure. This will naturally be divided into tenths and hundredths, the latter of which will be a square decad. Its multiples will also, of course, be tens, which may be called double acres, and hundreds, which will be equal to a square furlong each. The surveyor's chain should be composed of 100 links of one foot each.

Opinion upon the question whether the President should veto the Bill, declaring that the seat of government shall be transferred to the Potomac, in the year 1790.

July 15, 1790.

A bill having passed both houses of Congress, and being now before the President, declaring that the seat of the federal government shall be transferred to the Potomac in the year 1790, that the session of Congress next ensuing the present shall be held in Philadelphia, to which place the offices shall be transferred before the 1st of December next, a writer in a public paper of July 13, has urged on the con-

sideration of the President, that the Constitution has given to the two houses of Congress the exclusive right to adjourn themselves; that the will of the President mixed with theirs in a decision of this kind, would be an inoperative ingredient, repugnant to the Constitution, and that he ought not to permit them to part, in a single instance, with their constitutional rights; consequently, that he ought to negative the bill.

That is now to be considered.

Every man, and every body of men on earth, possesses the right of self-government. They receive it with their being from the hand of nature. Individuals exercise it by their single will; collections of men by that of their majority; for the law of the *majority* is the natural law of every society of men. When a certain description of men are to transact together a particular business, the times and places of their meeting and separating, depend on their own will; they make a part of the natural right of self-government. This, like all other natural rights, may be abridged or modified in its exercise by their own consent, or by the law of those who depute them, if they meet in the right of others; but as far as it is not abridged or modified, they retain it as a natural right. and may exercise them in what form they please, either exclusively by themselves, or in association with others, or by others altogether, as they shall agree.

Each house of Congress possesses this natural right

of governing itself, and, consequently, of fixing its own times and places of meeting, so far as it has not been abridged by the law of those who employ them, that is to say, by the Constitution. This act manifestly considers them as possessing this right of course, and therefore has nowhere given it to them. In the several different passages where it touches this right, it treats it as an existing thing, not as one called into existence by them. To evince this, every passage of the Constitution shall be quoted, where the right of adjournment is touched; and it will be seen that no one of them pretends to give that right; that, on the contrary, every one is evidently introduced either to enlarge the right where it would be too narrow, to restrain it where, in its natural and full exercise, it might be too large, and lead to inconvenience, to defend it from the latitude of its own phrases, where these were not meant to comprehend it, or to provide for its exercise by others, when they cannot exercise it themselves.

"A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members." Art. 1, Sec. 5. A majority of every collection of men being naturally necessary to constitute its will, and it being frequently to happen that a majority is not assembled, it was necessary to enlarge the natural right by giving to "a smaller number than a majority" a right to compel the attendance of the absent

members, and, in the meantime, to adjourn from day to day. This clause, then, does not pretend to give to a majority a right which it knew that majority would have of themselves, but to a number *less than a majority*, a right to which it knew that lesser number could not have of themselves.

"Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting." Ibid. Each house exercising separately its natural right to meet when and where it should think best, it might happen that the two houses would separate either in time or place, which would be inconvenient. It was necessary, therefore, to keep them together by restraining their natural right of deciding on separate times and places, and by requiring a concurrence of will.

But, as it might happen that obstinacy, or a difference of object, might prevent this concurrence, it goes on to take from them, in that instance, the right of adjournment altogether, and to transfer it to another, by declaring, Art. 2, Sec. 3, that "in case of disagreement between the two houses, with respect to the time of adjournment, the President may adjourn them to such time as he shall think proper."

These clauses, then, do not import a gift, to the two houses, of a general right of adjournment, which it was known they would have without that gift, but to restrain or abrogate the right it was known they

would have, in an instance where, exercised in its full extent, it might lead to inconvenience, and to give that right to another who would not naturally have had it. It also gives to the President a right, which he otherwise would not have had, "to convene both houses, or either of them, on extraordinary occasions." Thus substituting the will of another, where they are not in a situation to exercise their own.

"Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment), shall be presented to the President for his approbation, &c." Art. 1, Sec. 7. The latitude of the general words here used would have subjected the natural right of adjournment of the two houses to the will of the President, which was not intended. They therefore expressly "except questions of adjournment" out of their operation. They do not here give a right of adjournment, which it was known would exist without their gift, but they defend the existing right against the latitude of their own phrases, in a case where there was no good reason to abridge it. The exception admits they will have the right of adjournment, without pointing out the source from which they will derive it.

These are all the passages of the Constitution (one only excepted, which shall be presently cited) where the right of adjournment is touched; and it is evident that none of these are introduced to give that right; but every one supposes it to be existing, and provides

some specific modification for cases where either a defeat in the natural right, or a too full use of it, would occasion inconvenience.

The right of adjournment, then, is not given by the Constitution, and consequently it may be modified by law without interfering with that instrument. It is a natural right, and, like all other natural rights, may be abridged or regulated in its exercise by law; and the concurrence of the third branch in any law regulating its exercise is so efficient an ingredient in that law, that the right cannot be otherwise exercised but after a repeal by a new law. The express terms of the Constitution itself show that this right may be modified *by law*, when, in Art. 1, Sec. 4, (the only remaining passage on the subject not yet quoted) it says, "The Congress shall assemble at least once in every year, and such meeting shall be the first Monday in December, unless they shall, *by law*, appoint a different day." Then another day may be appointed *by law;* and the President's assent is an efficient ingredient in that law. Nay further, they cannot adjourn over the first Monday of December but by *a law*. This is another constitutional abridgment of their natural right of adjournment; and completing our review of all the clauses in the Constitution which touch that right, authorizes us to say no part of that instrument gives it; and that the houses hold it, not from the Constitution, but from nature.

A consequence of this is, that the houses may, by

a joint resolution, remove themselves from place to place, because it is a part of their right of self-government; but that as the right of self-government does not comprehend the government of others, the two houses cannot, by a joint resolution of their majorities only, remove the Executive and Judiciary from place to place. These branches possessing also the rights of self-government from nature, cannot be controlled in the exercise of them but by a law, passed in the forms of the Constitution. The clause of the bill in question, therefore, was necessary to be put into the form of a law, and to be submitted to the President, so far as it proposes to effect the removal of the Executive and Judiciary to Philadelphia. So far as respects the removal of the present houses of legislation thither, it was not necessary to be submitted to the President; but such a submission is not repugnant to the Constitution. On the contrary, if he concurs, it will so far fix the next session of Congress at Philadelphia that it cannot be changed but by a regular law.

The sense of Congress itself is always respectable authority. It has been given very remarkably on the present subject. The address to the President in the paper of the 13th is a complete digest of all the arguments urged on the floor of the Representatives against the constitutionality of the bill now before the President; and they were overruled by a majority of that house, comprehending the delegation of all the States south of the Hudson, except South

Carolina. At the last session of Congress, when the bill for remaining a certain term at New York, and then removing to Susquehanna or Germantown was objected to on the same ground, the objection was overruled by a majority comprehending the delegations of the northern half of the union with that of South Carolina. So that the sense of every State in the union has been expressed, by its delegation, against this objection South Carolina excepted, and excepting also Rhode Island, which has never yet had a delegation in place to vote on the question. In both these instances, the Senate concurred with the majority of the Representatives. The sense of the two houses is stronger authority in this case, as it is given against their own supposed privilege.

It would be as tedious, as it is unnecessary, to take up and discuss one by one, the objections proposed in the paper of July 13. Every one of them is founded on the supposition that the two houses hold their right of adjournment from the Constitution. This error being corrected, the objections founded on it fall of themselves.

It would also be work of mere supererogation to show that, granting what this writer takes for granted (that the President's assent would be an inoperative ingredient, because excluded by the Constitution, as he says), yet the particular views of the writer would be frustrated, for on every hypothesis of what the President may do, Congress must go to Philadelphia. 1. If he assents to the bill, that

assent makes good law of the part relative to the Potomac; and the part for holding the next session at Philadelphia is good, either as an ordinance, or a vote of the two houses, containing a complete declaration of their will in a case where it is competent to the object; so that they must go to Philadelphia in that case. 2. If he dissents from the bill it annuls the part relative to the Potomac; but as to the clause for adjourning to Philadelphia, his dissent being as inefficient as his assent, it remains a good ordinance or vote, of the two houses for going thither, and consequently they must go in this case also. 3. If the President withholds his will out of the bill altogether, by a ten days' silence, then the part relative to the Potomac becomes a good law without his will, and that relative to Philadelphia is good also, either as a law, or an ordinance, or a vote of the two houses; and consequently in this case also they go to Philadelphia.

Opinion respecting the expenses and salaries of foreign Ministers.

July 17, 1790.

The bill on the intercourse with foreign nations restrains the President from allowing to Ministers Plenipotentiary, or to Congress, more than $9,000, and $4,500 for their "personal services, and other expenses." This definition of the objects for which the allowance is provided appearing vague, the Sec-

retary of State thought it his duty to confer with the gentlemen heretofore employed as ministers in Europe, to obtain from them, in aid of his own information, an enumeration of the expenses incident to these offices, and their opinion which of them would be included within the fixed salary, and which would be entitled to be charged separately. He, therefore, asked a conference with the Vice-President, who was acquainted with the residences of London and the Hague, and the Chief Justice, who was acquainted with that of Madrid, which took place yesterday.

The Vice-President, Chief Justice, and Secretary of State, concurred in the opinion that the salaries named by the act are much below those of the same grade at the courts of Europe, and less than the public good requires they should be. Consequently, that the expenses not included within the definition of the law, should be allowed as an additional charge.

1. *Couriers, Gazettes, Translating necessary papers, Printing necessary papers, Aids to poor Americans.*—All three agreed that these ought to be allowed as additional charges, not included within the meaning of the phrase, "his personal services, and other expenses."

2. *Postage, Stationery, Court-fees.*—One of the gentlemen being of opinion that the phrase "personal services, and other expenses," was meant to comprehend all the *ordinary expenses* of the office,

considered this second class of expenses as *ordinary*, and therefore included in the fixed salary. The first class before mentioned, he had viewed as *extraordinary*. The other two gentlemen were of opinion this second class was also out of the definition, and might be allowed in addition to the salary. One of them, particularly, considered the phrase as meaning "personal services and personal expenses," that is, expenses for his personal accommodation, comforts, and maintenance. This second class of expenses is not within that description.

3. *Ceremonies;* such as diplomatic and public dinners, galas, and illuminations. One gentleman only was of opinion these might be allowed.

The expenses of the first class may probably amount to about fifty dollars a year. Those of the second, to about four or five hundred dollars. Those of the third are so different at different courts, and so indefinite in all of them, that no general estimate can be proposed.

The Secretary of State thought it his duty to lay this information before the President, supposing it might be satisfactory to himself, as well as to the diplomatic gentlemen, to leave nothing uncertain as to their allowances; and because, too, a previous determination is in some degree necessary to the forming an estimate which may not exceed the whole sum appropriated.

The Secretary of State has also consulted on the subject of the Morocco consulship, with Mr. Barclay,

who furnished him with the note, of which a copy accompanies this. Considering all circumstances, Mr. Barclay is of opinion, we had better have only a consul there, and that he should be the one now residing at Morocco, because, as secretary to the Emperor, he sees him every day, and possesses his ear. He is of opinion six hundred dollars a year might suffice for him, and that it should be proposed to him not as a salary, but as a sum in gross intended to cover his expenses, and to save the trouble of keeping accounts. That this consul should be authorized to appoint agents in the seaports, who would be sufficiently paid by the consignments of vessels. He thinks the consul at Morocco would most conveniently receive his allowance through the channel of our Chargé at Madrid, on whom, also, this consulate had better be made dependent for instructions, information, and correspondence, because of the daily intercourse between Morocco and Cadiz.

The Secretary of State, on a view of Mr. Barclay's note, very much doubts the sufficiency of the sum of six hundred dollars; he supposes a little money there may save a great deal; but he is unable to propose any specific augmentation till a view of the whole diplomatic establishments and its expenses, may furnish better grounds for it.

Appended to this note, were the following estimates of the expenses of foreign ministers, and of the probable calls on our foreign fund, from July 1, 1790, to July 1, 1791:

Estimate of the Expenses of a Minister Plenipotentiary.

July 19, 1790.

Minister Plenipotentiary, his salary	$9,000
His outfit, suppose it to happen once in seven years, will average	1,285
His return at a quarter's salary will average	321
Extras, viz.: Gazettes, Translating, Printing, Aids to poor American sailors, Couriers, and Postage, about	350
His Secretary	1,350
	$12,396

Estimate for a Chargé des Affaires.

Chargé des Affaires, his salary	$4,500
His outfit, once in seven years, equal to an annual sum of	643
His return at a quarter's salary, do.	161
Extras, as above	350
	$5,654
The Agent at the Hague, his salary	$1,300
Extras	100
	$1,400

Estimate of the Annual Expenses of the Establishment proposed.

France, a Minister Plenipotentiary	$12,306
London, do. do.	12,306
Madrid, a Chargé des Affaires	5,654
Lisbon, do. do. do.	5,654
Hague, an agent	1,400
Morocco, a consul	1,800
Presents to foreign ministers on taking leave, at $1,000 each, more or less, according to their favor and time. There will be five of them. If exchanged once in seven years, it will be annually	715
	$39,835

Estimate of the probable calls on our foreign fund from July 1, 1790, when the act for foreign intercourse passed, to July 1, 1791.

France, a Minister Plenipotentiary, his outfit ...	$9,000		
His salary, suppose it to commence August 1st...	8,250		
Extras	320		
Secretary	1,237.5		$18,807.5
Chargé, suppose him to remain till November 1st. Salary	1,500		
Extras	117		
His return, a quarter's salary	1,125	—	2,742
Madrid, a Chargé, his salary	4,500		
Extras	350	—	4,850
Lisbon, a Chargé, (or Resident,) his outfit	4,500		
His salary, suppose it to commence January 1, 1791	2,250		
Extras	175	—	6,925
London, an Agent, suppose to commence October 1st, at $1,350 salary	1,012.5		
Extras, (at $100 a year)	75	—	1,087.5
Hague, an Agent	1,400		
Morocco, Consul	1,800	—	3,200
Presents to foreign Ministers. The dye about ..	500		
Two medals and chains	2,000	—	2,500
			$40,112

Opinion in regard to the continuance of the monopoly of the commerce of the Creek nation, enjoyed by Col. McGillivray.

July 29th, 1790.

Colonel McGillivray, with a company of British merchants, having hitherto enjoyed a monopoly of the commerce of the Creek nation, with a right of importing their goods duty free, and considering these privileges as the principal sources of his power over that nation, is unwilling to enter into treaty

with us, unless they can be continued to him. And the question is how this may be done consistently with our laws, and so as to avoid just complaints from those of our citizens who would wish to participate of the trade?

Our citizens, at this time, are not permitted to trade in that nation. The nation has a right to give us their peace, and to withhold their commerce, to place it under whatever monopolies or regulations they please. If they insist that only Colonel McGillivray and his company shall be permitted to trade among them, we have no right to say the contrary. We shall even gain some advantage in substituting citizens of the United States instead of British subjects, as associates of Colonel McGillivray, and excluding both British and Spaniards from the country.

Suppose, then, it be expressly stipulated by treaty, that no person be permitted to trade in the Creek country, without a license from the President, that but a fixed number shall be permitted to trade there at all, and that the goods imported for and sent to the Creek nation, shall be duty free. It may further be either expressed that the person licensed shall be approved by the leader or leaders of the nation, or without this, it may be understood between the President and McGillivray that the stipulated number of licenses shall be sent to him blank, to fill up. A treaty made by the President, with the concurrence of two-thirds of the Senate, is a law of the land,

and a law of superior order, because it not only repeals past laws, but cannot itself be repealed by future ones.[1] The treaty, then, will legally control the duty acts, and the acts for licensing traders, in this particular instance. When a citizen applies for a license, who is not of McGillivray's partnership, he will be told that but a given number could be licensed by the treaty, and that the number is full. It seems that in this way no law will be violated, and no just cause of complaint will be given; on the contrary, the treaty will have bettered our situation, though not in the full degree which might have been wished.

Opinion respecting our foreign debt.

August 26, 1790.

On consideration of the letter of our banker, of January 25th, 1790, the Secretary of the Treasury's answer to it, and the draught of powers and instructions to him, I am of opinion, as I always have been, that the purchase of our debt to France by private speculators, would have been an operation extremely injurious to our credit; and that the consequence

[1] At a later period, upon reviewing this opinion, the following note was appended by Mr. Jefferson: "Unless with the consent or default of the other contracting party. It may well be doubted, too, and perhaps denied, that the treaty power can control a law. The question here proposed was then of the first impression. Subsequent investigations have proved that the contrary position is the more general truth.

foreseen by our banker, that the purchasers would have been obliged, in order to make good their payments, to deluge the markets of Amsterdam with American paper of all sorts, and to sell it any price, was a probable one. And the more so, as we know that the particular individuals who were engaged in that speculation, possess no means of their own adequate to the payments they would have had to make. While we must not doubt that these motives, together with a proper regard for the credit of the United States, had real and full weight with our bankers, towards inducing them to counterwork these private speculations; yet, to ascribe their industry in this business wholly to these motives, might lead to a too great and dangerous confidence in them. It was obviously their interest to defeat all such speculations, because they tended to take out of their hands, or at least to divide with them, the profits of the great operation of transferring the French debt to Amsterdam, an object of first rate magnitude to them, and on the undivided enjoyments of which they might count, if private speculators could be baffled. It has been a contest of dexterity and cunning, in which our champions have obtained the victory. The manœuvre of opening a loan of three millions of florins, has, on the whole, been useful to the United States, and though unauthorized, I think should be confirmed. The measure proposed by the Secretary of the Treasury, of sending a superintendent of their future opera-

tions, will effectually prevent their doing the like again, and the funding laws leave no danger that such an expedient might at any future time be useful to us.

The report of the Secretary of the Treasury, and the draught of instructions, present this plan to view: First, to borrow on the best terms we can, not exceeding those limited by the law, such a sum as may answer all demands of principal or interest of the foreign debts, due, or to become due before the end of 1791. [This I think he supposes will be about three and a half millions of dollars.] Second, to consider two of the three millions of florins already borrowed by our bankers as, so far, an execution of this operation; consequently, that there will remain but about two and a half millions of dollars to be borrowed on the old terms. Third, to borrow no more as yet, towards completing the transfer of the French debt to Amsterdam, unless we can do it on more advantageous terms. Fourth, to consider the third millions of florins already borrowed by our bankers, as, so far, an execution of the powers given the President to borrow two millions of dollars, by the act of the 12th of August. The whole of this appears to me to be wise. If the third million be employed in buying up our *foreign paper*, on the exchange of Amsterdam, by creating a demand for that species of paper, it will excite a cupidity in the monied men to obtain more of it by new loans, and consequently enable us to borrow more and on lower

terms. The saving of interest, too, on the sum so to be bought, may be applied in buying up more principal, and thereby keep this salutary operation going.

I would only take the liberty of suggesting the insertion of some such clause as the following, into the instructions: "The agents to be employed shall never open a loan for more than one million of dollars at a time, nor open a new loan till the preceding one has been filled, and expressly approved by the President of the United States." A new man, alighting on the exchange of Amsterdam, with powers to borrow twelve millions of dollars, will be immediately beset with bankers and brokers, who will pour into his ear, from the most unsuspected quarters, such informations and suspicions as may lead him exactly into their snares. So wonderfully dexterous are they in wrapping up and complicating their propositions, they will make it evident, even to a clear-headed man, (not in the habit of this business,) that two and two make five. The agent, therefore, should be guarded, even against himself, by putting it out of his power to extend the effect of any erroneous calculation beyond one million of dollars. Were he able, under a delusive calculation, to commit such a sum as twelve millions of dollars, what would be said of the government? Our bankers told me themselves that they would not choose, in the conduct of this great loan, to open for more than two or three millions of florins at a time, and certainly

never for more than five. By contracting for only one million of dollars at a time, the agent will have frequent occasions of trying to better the terms. I dare say that this caution, though not expressed in the instructions, is intended by the Secretary of the Treasury to be carried into their execution. But, perhaps, it will be desirable for the President, that his sense of it also should be expressed in writing.

Opinion upon the question what the answer of the President should be in case Lord Dorchester should apply for permission to march troops through the territory of the United States, from Detroit to the Mississippi.

GEORGE WASHINGTON TO THOMAS JEFFERSON.

UNITED STATES, August 27, 1790.

Provided the dispute between Great Britain and Spain should come to the decision of arms, from a variety of circumstances (individually unimportant and inconclusive, but very much the reverse when compared and combined), there is no doubt in my mind, that New Orleans, and the Spanish posts above it on the Mississippi, will be among the first attempts of the former; and that the reduction of them will be undertaken by a combined operation from Detroit.

The *consequences* of having so formidable and enterprizing a people as the British on both our flanks and rear, with their navy in front, as they respect our western settlements which may be seduced thereby, as they regard the security of the Union and its commerce with the West Indies, are too obvious to need enumeration.

What then should be the answer of the Executive of the United States to Lord Dorchester, in case he should apply for permission to march troops through the territory of the said States from Detroit to the Mississippi?

What notice ought be taken of the measure, if it should be under-

taken without leave, which is the most probable proceeding of the two?

The opinion of the Secretary of State is requested in writing upon the above statements.

Opinion on the questions stated in the President's note of August 27th, 1790.

August 28, 1790.

I am so deeply impressed with the magnitude of the dangers which will attend our government, if Louisiana and the Floridas be added to the British empire, that, in my opinion, we ought to make ourselves parties in the *general war* expected to take place, should this be the only means of preventing the calamity.

But I think we should defer this step as long as possible; because war is full of chances, which may relieve us from the necessity of interfering; and if necessary, still the later we interfere, the better we shall be prepared.

It is often indeed more easy to prevent the capture of a place, than to retake it. Should it be so in the case in question, the difference between the two operations of preventing and retaking, will not be so costly as two, three, or four years more of war.

So that I am for preserving neutrality as long, and entering into the war as late, as possible.

If this be the best course, it decides, in a good degree, what should be our conduct, if the British ask leave to march troops through our territory, or march them without leave.

It is well enough agreed, in the laws of nations, that for a neutral power to give or refuse permission to the troops of either belligerent party to pass through their territory, is no breach of neutrality, provided the same refusal or permission be extended to the other party.

If we give leave of passage then to the British troops, Spain will have no just cause of complaint against us, provided we extend the same leave to her when demanded.

If we refuse, (as indeed we have a right to do,) and the troops should pass notwithstanding, of which there can be little doubt, we shall stand committed. For either we must enter immediately into the war, or pocket an acknowledged insult in the face of the world; and one insult pocketed soon produces another.

There is indeed a middle course, which I should be inclined to prefer; that is, to avoid giving any answer. They will proceed notwithstanding, but to do this under our silence, will admit of palliation, and produce apologies, from military necessity; and will leave us free to pass it over without dishonor, or to make it a handle of quarrel hereafter, if we should have use for it as such. But, if we are obliged to give an answer, I think the occasion not such as should induce us to hazard that answer which might commit us to the war at so early a stage of it; and therefore that the passage should be permitted.

If they should pass without having asked leave,

I should be for expressing our dissatisfaction to the British court, and keeping alive an altercation on the subject, till events should decide whether it is most expedient to accept their apologies, or profit of the aggression as a cause of war.

Opinion on the question whether it will be expedient to notify to Lord Dorchester the real object of the expedition preparing by Governor St. Clair.

August 29, 1790.

On considering more fully the question whether it will be expedient to notify to Lord Dorchester the real object of the expedition preparing by Governor St. Clair, I still think it will not be expedient. For, if the notification be early, he will get the Indians out of the way, and defeat our object. If it be so late as not to leave him time to withdraw them before our stroke be struck, it will then be so late also as not to leave him time to withdraw any secret aids he may have sent them. And the notification will betray to him that he may go on without fear in his expedition against the Spaniards, and for which he may yet have sufficient time after our expedition is over. On the other hand, if he should suspect our preparations are to prevent his passing our territory, these suspicions may induce him to decline his expedition, as, even should he think he could either force or steal a passage, he would not divide his troops, leaving (as he would suppose) an

enemy between them able to take those he should leave, and cut off the return of those he should carry. These suspicions, too, would mislead both him and the Indians, and so enable us to take the latter more completely by surprise, and prevent him from sending secret aid to those whom he would not suppose the objects of the enterprise; thus effecting a double purpose of preventing his enterprise, and securing our own. Might it not even be expedient, with a view to deter his enterprise, to instruct Governor St. Clair either to continue his pursuit of the Indians till the season be too far advanced for Lord Dorchester to move; or, on disbanding his militia, to give them general orders (which might reach the ears of Lord Dorchester) to be ready to assemble at a moment's warning, though no such assembly be really intended?

Always taking care neither to say nor do, against their passage, what might directly commit either our peace or honor.

Opinion on proceedings to be had under the Residence act.

November 29, 1790.

A territory not exceeding ten miles square (or, I presume, one hundred square miles in any form) to be located by metes and bounds.

Three commissioners to be appointed. I suppose them not entitled to any salary.

[If they live near the place they may, in some instances, be influenced by self interest, and partialities; but they will push the work with zeal. If they are from a distance, and northwardly, they will be more impartial, but may affect delays.]

The commissioners to purchase or accept "such quantity of land on the east side of the river as the President shall deem *proper for the United States*," viz., for the federal Capitol, the offices, the President's house and gardens, the town house, market house, public walks and hospital. For the President's house, offices and gardens, I should think two squares should be consolidated. For the Capitol and offices, one square. For the market, one square. For the public walks, nine squares consolidated.

The expression "such quantity of land as the President shall deem *proper for the United States*," is vague. It may therefore be extended to the acceptance or purchase of land enough for the town; and I have no doubt it is the wish, and perhaps expectation. In that case, it will be to be laid out in lots and streets. I should propose these to be at right angles, as in Philadelphia, and that no street be narrower than one hundred feet, with foot ways of fifteen feet. Where a street is long and level, it might be one hundred and twenty feet wide. I should prefer squares of at least two hundred yards every way, which will be about eight acres each.

The commissioners should have some taste in architecture, because they may have to decide between different plans.

They will, however, be subject to the President's direction in every point.

When the President shall have made up his mind as to the spot for the town, would there be any impropriety in his saying to the neighboring land holders, "I will fix the town here if you will join and purchase and give the lands." They may well afford it by the increase of value it will give to their own circumjacent lands.

The lots to be sold out in breadths of fifty feet; their depths to extend to the diagonal of the square.

I doubt much whether the obligation to build the houses at a given distance from the street, contributes to its beauty. It produces a disgusting monotony; all persons make this complaint against Philadelphia. The contrary practice varies the appearance, and is much more convenient to the inhabitants.

In Paris it is forbidden to build a house beyond a given height; and it is admitted to be a good restriction. It keeps down the price of ground, keeps the houses low and convenient, and the streets light and airy. Fires are much more manageable where houses are low.

Report by the Secretary of State to the President of the United States on the Report of the Secretary of the Government north-west of the Ohio.

December 14, 1790.

The Secretary of State having had under his consideration the report made by the Secretary of the Government north-west of the Ohio, of his proceedings for carrying into effect the resolution of Congress of August 29th, 1788, respecting the lands of the inhabitants of Port Vincennes, makes the following report thereon to the President of the United States:

The resolution of Congress of August 29th, 1788, had confirmed in their possessions and titles the French and Canadian inhabitants and other settlers at that post, who, in or before the year 1783, had settled there, and had professed themselves citizens of the United States or any of them, and had made a donation to every head of a family, of the same description of four hundred acres of land, part of a square to be laid off adjoining the improvements at the post.

The Secretary of the north-western government, in the absence of the Governor, has carried this resolution into effect, as to all the claims to which he thought it could be clearly applied: there remain, however, the following description of cases, on which he asks further instructions:

1. Certain cases within the letter of the resolu-

tion, but rendered doubtful by the condition annexed, to the grants of lands in the Illinois country. The cases of these claimants, fifteen in number, are specially stated in the papers hereto annexed, number 2, and the lands are laid off for them but remain ungranted till further orders.

2. Certain persons who, by removals from one part of the territory to another, are not of the letter of the resolutions, but within its equity, as they conceive.

3. Certain heads of families, who became such soon after the year 1783, who petition for a participation of the donation, and urge extraordinary militia service to which they are exposed.

4. One hundred and fifty acres of land within the village granted under the former government of that country, to the Piankeshaw Indians, and on their removal sold by them in parcels to individual inhabitants, who in some instances have highly improved them both before and since the year 1783.

5. Lands granted both before and after 1783, by authority from the commandant of the post, who, according to the usage under the French and British governments, thinking himself authorized to grant lands, delegated that authority to a court of civil and criminal jurisdiction, whose grants before 1783, amount to twenty-six thousand acres, and between that and 1787, (when the practice was stopped,) to twenty-two thousand acres. They are generally in

parcels from four hundred acres down to the size of house lots; and some of them under considerable improvement. Some of the tenants urge that they were induced by the court itself to come and settle these lands under assurance of their authority to grant them, and that a loss of the lands and improvements will involve them in ruin. Besides these small grants, there are some much larger, sometimes of many leagues square, which a sense of their impropriety has prevented the grantees from bringing forward. Many pretended grants, too, of this class are believed to be forgeries, and are, therefore, to be guarded against.

6. Two thousand four hundred acres of good land, and three thousand acres of sunken land, held under the French, British, and American governments, as commons for the use of the inhabitants of the village generally, and for thirty years past kept under inclosure for these purposes.

The legislature alone being competent to authorize the grant of lands in cases as yet unprovided for by the laws. The Secretary of State is of opinion that the report of the Secretary of the north-western government, with the papers therein referred to, should be laid before Congress for their determination. Authentic copies of them are herewith enclosed to the President of the United States.

Opinion on certain proceedings of the Executive in the North-western Territory.

December 14, 1790.

The Secretary of State having had under his consideration, the journal of the proceedings of the Executive in the North-western Territory, thinks it his duty to extract therefrom, for the notice of the President of the United States, the articles of April 25th, June 6th, 28th, and 29th. Some of which are hereto annexed.

Conceiving that the regulations, purported in these articles, are beyond the competence of the executive of the said government, that they amount, in fact, to laws, and as such, could only flow from its regular legislature. That it is the duty of the general government to guard its subordinate members from the encroachments of each other, even when they are made through error or inadvertence, and to cover its citizens from the exercise of powers not authorized by the law. The Secretary of State is of opinion that the said articles be laid before the Attorney General for consideration, and if he finds them to be against law, that his opinion be communicated to the Governor of the North-western Territory, for his future conduct.

The following are the extracts alluded to above:

Extracts from the Journal of the Proceedings in the Executive Department of government in the Territory of the United States, north-west of the Ohio, reported to the President of the United States, by Winthrop Sargent, Secretary.

April 25, 1790.—The Governor was pleased to issue the following order, viz.: All the inhabitants are forbidden to entertain any strangers, white, Indian, or negro, let them come from whatsoever place, without acquainting the officer commanding the troops, of the names of such strangers, and the place from whence they came. And every stranger arriving at Cahokia, is ordered to present himself to said officer within two hours after his arrival, on pain of imprisonment.

June 6, 1790.—The Governor at Kaskaskias, was pleased to make the following proclamation:

The practice of selling spirituous liquors to the Indians in the villages being attended with very ill consequences, it is expressly prohibited; and all and every person transgressing this order, will be liable to be tried and fined at the pleasure of the court of quarter sessions of the peace. And as it may be necessary that spirituous liquors should be vended in small quantities to white travellers and others; to prevent all danger of imposition and extortion, no person whosoever shall sell in any of the villages or their environs, spirituous liquors to any white person, traveller, or inhabitant, in any quantity less than one quart at one time, without obtaining a license from the Governor, which license shall not be granted but upon the recommendation of the Justices of the Peace in their court of quarter sessions, and on his or their giving security in the sum of two hundred dollars, to abide by all the regulations made by law respecting retailers of spirituous liquors, and the orders of the said court of quarter sessions in the premises in the meantime. And for every offence, he or they shall be liable to prosecution by indictment and fine at the pleasure of the court, and to the forfeiture of their bonds.

Nor shall any person undertake or exercise the calling or occupation of an Inn-holder or Tavern-keeper, without obtaining in the same manner, and under the same restrictions and penalties, a license for so doing.

Proclamation.—Whereas, his Excellency, Arthur St. Clair, Esq., Governor and Commander-in-chief of this Territory, did by proclamation given at the Kaskaskias the 10th instant, strictly prohibit all persons, not citizens of the United States or the Territory, from hunting or killing any kind of game within the same, either for the flesh or

skins, upon penalty *not only* of forfeiting the flesh and skins which they might acquire, but also prosecution and punishment as trespassers.

And it appearing to me to be particularly essential to the interests of this country, that an observance of the order and prohibition should be obtained, I do hereby call upon all civil and military officers, who now are, or hereafter may be appointed, to use their best endeavors for detecting and bringing to justice every person who shall violate the same. And, whereas, it appears to me to be expedient that government should receive information of all characters, foreigners and others, coming into the Territory, I do hereby order and direct that any person arriving at *this*, or any of the military posts of the United States within the same, should present himself to the commanding officer of the troops in two hours next after his arrival; and the inhabitants are hereby forbidden to entertain such characters, whether whites, Indians, or negroes, without immediate information thereof to the said commanding officers.

Given under my hand and seal at the town of Post Vincennes, and county of Knox, this 28th day of June, A. D. 1790, and of the Independence of the United States, the fourteenth.

(Signed,) WINTHROP SARGENT.

June 29, 1790.—It is to be considered as a standing order hereafter, that no person enrolled in the militia shall leave the village or stations, for a longer absence than twenty-four hours, without informing him (Mayor Hamtramck) or the commanding officer for the time being, of their intention. And all intelligence or discoveries of Indians, to be immediately reported.

(Signed,) WINTHROP SARGENT.

Report on certain letters from the President to Mr. Gouverneur Morris, and from Mr. Morris to the President, relative to our difficulties with England—1790.

December 15, 1790.

The Secretary of State having had under consideration the two letters of October 13th, 1789, from

the President of the United States, to Mr. Gouverneur Morris; and those of Mr. Morris to the President, of January 22d, April 7th, 13th, May 1st, 29th, July 3d, August 16th, and September 18th, referred to him by the President, makes the following report thereon:

The President's letter of January 22d, authorized Mr. Morris to enter into conference with the British ministers in order to discover their sentiments on the following subjects:

1. Their retention of the western posts contrary to the treaty of peace.

2. Indemnification for the negroes carried off against the stipulations of the same treaty.

3. A treaty for the regulation of the commerce between the two countries.

4. The exchange of a minister.

The letters of Mr. Morris before mentioned, state the communications, oral and written, which have passed between him and the ministers; and from these the Secretary of State draws the following inferences:

1. That the British court is decided not to surrender the posts in any event; and that they will urge as a pretext that though our courts of justice are now open to British subjects, they were so long shut after the peace as to have defeated irremedially the recovery of debts in many cases. They suggest, indeed, the idea of an indemnification on our part. But probably were we disposed to admit their right

to indemnification, they would take care to set it so high as to insure a disagreement.

2. That as to indemnification for the negroes, their measures for concealing them were in the first instance so efficacious, as to reduce our demand for them, so far as we can support it by direct proof, to be very small indeed. Its smallness seems to have kept it out of discussion. Were other difficulties removed, they would probably make none of this article.

3. That they equivocate on every proposal of a treaty of commerce, and authorize in their communications with Mr. Morris the same conclusions which have been drawn from those they had had from time to time with Mr. Adams, and those through Mayor Beckwith; to wit, that they do not mean to submit their present advantages in commerce to the risk which might attend a discussion of them, whereon some reciprocity could not fail to be demanded. Unless, indeed, we would agree to make it a treaty of *alliance* as well as *commerce*, so as to undermine our obligations with France. This method of stripping that rival nation of its alliances, they tried successfully with Holland, endeavored at it with Spain, and have plainly and repeatedly suggested to us. For this they would probably relax some of the rigors they exercise against our commerce.

4. That as to a minister, their Secretary for Foreign Affairs is disposed to exchange one, but meets

with opposition in his cabinet, so as to render the issue uncertain.

From the whole of which, the Secretary of State is of opinion that Mr. Morris' letters remove any doubts which might have been entertained as to the intentions and dispositions of the British cabinet.

That it would be dishonorable to the United States, useless and even injurious, to renew the propositions for a treaty of commerce, or for the exchange of a minister; and that these subjects should now remain dormant, till they shall be brought forward earnestly by them.

That the demands of the posts, and of indemnification for the negroes, should not be again made till we are in readiness to do ourselves the justice which may be refused.

That Mr. Morris should be informed that he has fulfilled the object of his agency to the satisfaction of the President, inasmuch as he has enabled him to judge of the real views of the British cabinet, and that it is his pleasure that the matters committed to him be left in the situation in which the letter shall find them.

That a proper compensation be given to Mr. Morris for his services herein, which having been begun on the 22d of January, and ended the 18th of September, comprehend a space of near eight months; that the allowance to an agent may be properly fixed anywhere between the half and the whole of what is allowed to a Chargé d'Affaires;

which, according to the establishment of the United States at the time of this appointment, was at the rate of $3,000 a year; consequently, that such a sum of between one and two thousand dollars be allowed him as the President shall deem proper, on a view of the interference which this agency may have had with Mr. Morris' private pursuits in Europe.

Report relative to the Mediterranean trade.

December 28, 1790.

The Secretary of State, to whom was referred by the House of Representatives so much of the speech of the President of the United States to both Houses of Congress, as relates to the trade of the United States in the Mediterranean, with instructions to report thereupon to the House, has had the same under consideration, and thereupon makes the following report:

The loss of the records of the custom houses in several of the States, which took place about the commencement and during the course of the late war, has deprived us of official information, as to the extent of our commerce and navigation in the Mediterranean sea. According to the best which may be obtained from other sources meriting respect, it may be concluded that about one-sixth of the wheat and flour exported from the United States, and about one-fourth in value of their dried and pickled fish, and some rice, found their best markets in the

Mediterranean ports; that these articles constituted the principal part of what we sent into that sea; that that commerce loaded outwards from eighty to one hundred ships, annually, of twenty thousand tons, navigated by about twelve hundred seamen. It was abandoned early in the war. And after the peace which ensued, it was obvious to our merchants, that their adventures into that sea would be exposed to the depredations of the piratical States on the coast of Barbary. Congress, too, was very early attentive to this danger, and by a commission of the 12th of May, 1784, authorized certain persons, named ministers plenipotentiary for that purpose, to conclude treaties of peace and amity with the Barbary powers. And it being afterwards found more expedient that the negotiations should be carried on at the residences of those powers, Congress, by a farther commission, bearing date the 11th of March, 1785, empowered the same ministers plenipotentiary to appoint agents to repair to the said powers at their proper residences, and there to negotiate such treaties. The whole expenses were limited to eighty thousand dollars. Agents were accordingly sent to Morocco and Algiers.

Before the appointment of the one to Morocco, it was known that a cruiser of that State had taken a vessel of the United States; and that the Emperor, on the friendly interposition of the court of Madrid, had liberated the crew, and made restitution of the vessel and cargo, as far as their condition admitted.

This was a happy presage of the liberal treaty he afterwards concluded with our agent, still under the friendly mediation of Spain, and at an expense of between nine and ten thousand dollars only. On his death, which has taken place not long since, it becomes necessary, according to their usage, to obtain immediately a recognition of the treaty by his successor, and consequently, to make provision for the expenses which may attend it. The amount of the former furnishes one ground of estimate; but the character and dispositions of the successor, which are unknown here, may influence it materially. The friendship of this power is important, because our Atlantic as well as Mediterranean trade is open to his annoyance, and because we carry on a useful commerce with his nation.

The Algerines had also taken two vessels of the United States, with twenty-one persons on board, whom they retained as slaves. On the arrival of the agent sent to that regency, the dey refused utterly to treat of peace on any terms, and demanded 59,496 dollars for the ransom of our captives. This mission therefore proved ineffectual.

While these negotiations were on foot at Morocco and Algiers, an ambassador from Tripoli arrived in London. The Ministers Plenipotentiary of the United States met him in person. He demanded for the peace of that State, thirty thousand guineas; and undertook to engage that of Tunis for a like sum. These demands were beyond the limits of Congress,

and of reason, and nothing was done. Nor was it of importance, as, Algiers remaining hostile, the peace of Tunis and Tripoli was of no value, and when that of the former should be obtained, theirs would soon follow.

Our navigation, then, into the Mediterranean, has not been resumed at all since the peace. The sole obstacle has been the unprovoked war of Algiers; and the sole remedy must be to bring that war to an end, or to palliate its effects. Its effects may, perhaps, be palliated by insuring our ships and cargoes destined for that sea, and by forming a convention with the regency, for the ransom of our seamen, according to a fixed tariff. That tariff will, probably, be high, and the rate of insurance so settled, in the long run, as to pay for the vessels and cargoes captured, and something more. What proportion will be captured nothing but experience can determine. Our commerce differs from that of most of the nations with whom the predatory States are in habits of war. Theirs is spread all over the face of the Mediterranean, and therefore must be sought for all over its face. Ours must all enter at a strait only five leagues wide; so that their cruisers, taking a safe and commanding position near the strait's mouth, may very effectually inspect whatever enters it. So safe a station, with a certainty of receiving for their prisoners a good and stated price, may tempt their cupidity to seek our vessels particularly. Nor is it certain that our seamen could be induced to

engage in that navigation, though with the security of Algerine faith that they would be liberated on the payment of a fixed sum. The temporary deprivation of liberty, perhaps chains, the danger of the pest, the perils of the engagement preceding their surrender, and possible delays of the ransom, might turn elsewhere the choice of men, to whom all the rest of the world is open. In every case, these would be embarrassments which would enter into the merchants' estimate, and endanger the preference of foreign bottoms not exposed to them. And upon the whole, this expedient does not fulfil our wish of a complete re-establishment of our commerce in that sea.

A second plan might be to obtain peace by purchasing it. For this we have the example of rich and powerful nations, in this instance counting their interest more than their honor. If, conforming to their example, we determine to purchase a peace, it is proper to inquire what a peace may cost. This being merely a matter of conjecture, we can only compare together such opinions as have been obtained, and from them form one for ourselves.

Mr. Wolf, a respectable Irishman, who had resided very long at Algiers, thought a peace might be obtained from that regency, and the redemption of our captives included, for sixty or seventy thousand pounds sterling.[1] His character and opinion both merited respect. Yet his estimate being

[1] See Extract No. 1 (page 104) accompanying this report.

the lowest of all who have hazarded an opinion on this subject, one is apt to fear his judgment might have been biassed by the hope he entertained that the United States would charge him with this negotiation.

Captain O'Brien, one of our captives, who had been in Algiers four years and a half at the date of his last letter, a very sensible man, and to whom we are indebted for very minute information, supposes that peace alone, might be bought for that sum, that is to say, for three hundred and twenty-two thousand dollars.

The Tripoline ambassador, before mentioned, thought that peace could be made with the three smaller powers for ninety thousand pounds sterling, to which were to be added the expenses of the mission and other incidental expenses. But he could not answer for Algiers; they would demand more. The ministers plenipotentiary, who conferred with him, had judged that as much must be paid to Algiers as to the other three powers together; and consequently, that according to this measure, the peace of Algiers would cost from an hundred to an hundred and twenty-five thousand pounds sterling; or from four hundred and sixty to five hundred and seventy-five thousand dollars.

The latter sum seemed to meet the ideas of the Count de Vergennes, who, from a very long residence at Constantinople, was a good judge of what related to the porte, or its dependencies.

A person whose name is not free to be mentioned here, a native of the continent of Europe, who had long lived, and still lives at Algiers, with whom the Minister Plenipotentiary of the United States, at Paris, had many and long conversations, and found his information full, clear, and consistent, was of opinion the peace of Algiers could not be bought by the United States for less than one million of dollars. And when that is paid, all is not done. On the death of a dey, (and the present one is between seventy and eighty years of age,) respectable presents must be made to the successor, that he may recognize the treaty; and very often he takes the liberty of altering it. When a consul is sent or changed, new presents must be made. If these events leave a considerable interval, occasion must be made of renewing presents. And with all this they must see that we are in condition to chastise an infraction of the treaty; consequently some marine force must be exhibited in their harbor from time to time.

The late peace of Spain with Algiers is said to have cost from three to five millions of dollars. Having received the money, they take the vessels of that nation on the most groundless pretexts; counting, that the same force which bound Spain to so hard a treaty, may break it with impunity.

Their treaty with France, which had expired, was about two years ago renewed for fifty years. The sum given at the time of renewal is not known. But presents are to be repeated every ten years, and a

tribute of one hundred thousand dollars to be annually paid. Yet perceiving that France, embarrassed at home with her domestic affairs, was less capable of acting abroad, they took six vessels of that nation in the course of the last year, and retain the captives, forty-four in number, in slavery.

It is the opinion of Captain O'Brien, that those nations are best treated who pay a smaller sum in the beginning, and an annual tribute afterwards. In this way he informs us that the Dutch, Danes, Swedes, and Venetians pay to Algiers, from twenty-four to thirty thousand dollars a year, each; the two first in naval stores, the two last chiefly in money. It is supposed, that the peace of the Barbary States costs Great Britain about sixty thousand guineas, or two hundred and eighty thousand dollars a year. But it must be noted that these facts cannot be authentically advanced; as from a principle of self-condemnation, the governments keep them from the public eye as much as possible.

Nor must we omit finally to recollect, that the Algerines, attentive to reserve always a sufficient aliment for their piracies, will never extend their peace beyond certain limits, and consequently, that we may find ourselves in the case of those nations to whom they refuse peace at any price.

The third expedient is to repel force by force. Several statements are hereto annexed of the naval force of Algiers, taken in 1785, 1786, 1787, 1788, and

1789, differing in small degrees, but concurring in the main. From these it results that they have usually had about nine chebecs, from ten to thirty-six guns, and four galleys, which have been reduced by losses to six chebecs and four galleys. They have a forty-gun frigate on the stocks, and expect two cruisers from the grand seignior. The character of their vessels is, that they are sharp built and swift, but so light as not to stand the broadside of a good frigate. Their guns are of different calibres, unskilfully pointed and worked. The vessels illy manœuvred, but crowded with men, one third Turks, the rest Moors, of determined bravery, and resting their sole hopes on boarding. But two of these vessels belong to the government, the rest being private property. If they come out of the harbor together, they separate immediately in quest of prey; and it is said they were never known to act together in any instance. Nor do they come out at all, when they know there are vessels cruising for them. They perform three cruises a year, between the middle of April and November, when they unrig and lay up for the winter. When not confined within the straits, they rove northwardly to the channel, and westwardly to the westward islands.

They are at peace at present, with France, Spain, England, Venice, the United Netherlands, Sweden, and Denmark; and at war with Russia, Austria, Portugal, Naples, Sardinia, Genoa, and Malta.

Should the United States propose to vindicate

their commerce by arms, they would, perhaps, think it prudent to possess a force equal to the whole of that which may be opposed to them. What that equal force would be, will belong to another department to say.

At the same time it might never be necessary to draw out the whole at once, nor perhaps any proportion of it, but for a small part of the year; as it is reasonable to presume that a concert of operation might be arranged among the powers at war with the Barbary States, so as that, each performing a tour of given duration, and in given order, a constant cruise during the eight temperate months of every year, may be kept up before the harbor of Algiers, till the object of such operations be completely obtained. Portugal has singly, for several years past, kept up such a cruise before the straits of Gibraltar, and by that means has confined the Algerines closely within. But two of their vessels have been out of the straits in the last five years. Should Portugal effect a peace with them, as has been apprehended for some time, the Atlantic will immediately become the principal scene of their piracies; their peace with Spain having reduced the profits of their Mediterranean cruises below the expenses of equipment.

Upon the whole, it rests with Congress to decide between war, tribute, and ransom, as the means of re-establishing our Mediterranean commerce. If war, they will consider how far our own resources

shall be called forth, and how far they will enable the Executive to engage, in the forms of the constitution, the co-operation of other powers. If tribute or ransom, it will rest with them to limit and provide the amount; and with the Executive, observing the same constitutional forms, to take arrangements for employing it to the best advantage.

No. 1.—*Extract of a letter from Richard O'Brien, one of the American captives at Algiers, to Congress. Algiers, December 26, 1789.*

"It was the opinion of Mr. John Wolf, who resided many years in this city, that the United States of America may obtain a peace for one hundred years with this regency, for the sum of sixty or seventy thousand pounds sterling, and the redemption of fifteen Americans included. Mr. Wolf was the British *Chargé des Affaires* in Algiers, and was much the friend of America, but he is no more.

"I have now been four years and a half in captivity, and I have much reason to think, that America may obtain a peace with Algiers for the sum of sixty-five or seventy thousand pounds, considering the present state of Algiers. That this regency would find it their interest to take two or three American cruisers in part payment for making a peace; and also would take masts, yards, plank, scantling, tar, pitch, and turpentine, and Philadelphia iron, as a part payment; all to be regulated at a certain fixed price by treaty."

No. 2.—*Extract of a letter from the Honorable John Adams, Minister Plenipotentiary for the United States at London, to the Honorable John Jay, Secretary for Foreign Affairs. London, February 22, 1786.*

"On Monday evening another conference was held with the Tripolitan ambassador. When he began to explain himself concerning his demands, he said they would be different according to the duration of the treaty. If that were perpetual, they would be greater; if for a term of years, less; his advice was that it should be perpetual. Once signed by the bashaw, dey, and other officers, it would be indissoluble and binding forever upon all their successors. But if a temporary treaty were made, it might be difficult and expensive to revive it. For a perpetual treaty, such as they now had with Spain, a sum of thirty thousand guineas must be paid upon the delivery of the articles

signed by the dey and other officers. If it were agreed to, he would send his secretary by land to Marseilles, and from thence, by water, to Tripoli, who should bring it back by the same route, signed by the dey, &c. He had proposed so small a sum in consideration of the circumstances, but declared it was not half of what had been lately paid them by Spain. If we chose to treat upon a different plan, he would make a treaty perpetual upon the payment of twelve thousand five hundred guineas for the first year, and three thousand guineas annually, until the thirty thousand guineas were paid. It was observed that these were large sums, and vastly beyond expectation; but his excellency answered, that they never made a treaty for less. Upon the arrival of a prize, the dey and other officers are entitled, by their laws, to large shares, by which they might make greater profits than those sums amounted to, and they never would give up this advantage for less.

"He was told, that although there was full power to treat, the American ministers were limited to a much smaller sum; so that it would be impossible to do anything until we wrote to Congress and know their pleasure. Colonel Smith was present at this, as he had been at the last conference, and agreed to go to Paris, to communicate all to Mr. Jefferson, and persuade him to come here, that we may join in farther conferences, and transmit the result to Congress.

"The ambassador believed that Tunis and Morocco would treat upon the same terms, but could not answer for Algiers. They would demand more. When Mr. Jefferson arrives, we shall insist upon knowing the ultimatum, and transmit it to Congress.

"Congress will perceive that one hundred and twenty thousand guineas will be indispensable to conclude with the four powers at this rate, besides a present to the ambassadors, and their incidental charges. Besides this, a present of five hundred guineas is made, upon the arrival of a consul in each State. No man wishes more fervently that the expense could be less, but the fact cannot be altered, and the truth ought not to be concealed.

"It may be reasonably concluded that this great affair cannot be finished for much less than two hundred thousand pounds sterling."

No. 3.—*Extract of a letter from the Honorable Thomas Jefferson, Minister Plenipotentiary for the United States at Paris, to the Honorable John Jay, Secretary for Foreign Affairs. Paris, May 23, 1786.*

"Letters received both from Madrid and Algiers, while I was in London, having suggested that treaties with the States of Barbary

would be much facilitated by a previous one with the Ottoman Porte, it was agreed between Mr. Adams and myself, that on my return I should consult, on this subject, the Count De Vergennes, whose long residence at Constantinople rendered him the best judge of its expediency. Various circumstances have put it out of my power to consult him till to-day. I stated to him the difficulties we were likely to meet with at Algiers, and asked his opinion, what would be the probable expense of a diplomatic mission to Constantinople, and what its effects at Algiers. He said that the expense would be very great; for that presents must be made at that court, and every one would be gaping after them; and that it would not procure us a peace at Algiers one penny the cheaper. He observed that the Barbary States acknowledged a sort of vassalage to the Porte, and availed themselves of that relation when anything was to be gained by it; but that whenever it subjected them to the demand from the Porte, they totally disregarded it; that money was the sole agent. He cited the present example of Spain, which, though having a treaty with the Porte, would probably be obliged to buy a peace at Algiers, at the expense of upwards of six millions of livres. I told him we had calculated, from the demands and information of the Tripoline ambassador at London, that to make peace with the four Barbary States would cost us between two and three hundred thousand guineas, if bought with money.

"The sum did not seem to exceed his expectations. I mentioned to him, that considering the uncertainty of a peace, when bought, perhaps Congress might think it more eligible to establish a cruise of frigates in the Mediterranean, and even blockade Algiers. He supposed it would require ten vessels, great and small. I observed to him that M. De Massiac had formerly done it with five; he said it was true, but that vessels of relief would be necessary. I hinted to him that I thought the English capable of administering aid to the Algerines. He seemed to think it impossible, on account of the scandal it would bring on them. I asked him what had occasioned the blockade by M. De Massiac, he said an infraction of their treaty by the Algerines."

No. 4.—*Extract of a letter from Richard O'Brien to the Hon. Thomas Jefferson. Algiers, April* 28, 1787.

" It seems the Neapolitan ambassador had obtained a truce with this regency for three months; and the ambassador wrote his court of his success; but about the 1st of April, when the cruisers were fitting out, the ambassador went to the dey, and hoped the dey would give

the necessary orders to the captains of his cruisers not to take the Neapolitan vessels. The dey said the meaning of the truce was not to take the Neapolitan cruisers, but if his chebecks should meet the Neapolitan merchantmen to take them and send them for Algiers. The ambassador said, the Neapolitan cruisers would not want a pass on those terms. The dey said, if his chebecks should meet either men of war or merchant vessels, to take them; so gave orders accordingly. The Algerines sailed the 9th instant, and are gone, I believe, off the coast of Italy. This shows there is very little confidence to be put in the royal word. No principle of national honor will bind those people; and I believe not much confidence to be put in them in treaties. The Algerines are not inclinable to a peace with the Neapolitans. I hear of no negotiation. When the two frigates arrive with the money for the ransom of the slaves, I believe they are done with the Neapolitans."

Extract of a letter from Richard O'Brien to the Hon. Thomas Jefferson. Algiers, June 13, 1789.

"The cruisers had orders to take the Danes; but I believe Denmark, suspecting that on account of their alliance with Russia, that the grand seignior would order the regency of Algiers to make war against the Danes; accordingly, the Danes have evacuated the Mediterranean seas, until the affairs of Europe are more settled. The Danish ship with the tribute is shortly expected. She is worth fifty thousand dollars; so that the Algerines will not make known publicly their intention of breaking with Denmark, until this ship arrives with the tribute. I am very sure that Mr. Robindar is very sensible of the intention of those sea-robbers, the terror and scourge of the Christians. The reason the Algerines have not committed any depredations on the English, is, that the cruisers have not met with any of them richly loaded; for if they had met a rich ship from London for Livorna, they would certainly have brought her into port, and said that such ship was loaded for the enemy of Algiers at Livorna; but if that was not a sufficient excuse, hove overboard or clipt the pass.

"Consul Logie has been treated with much contempt by the Algerine ministry; and you may depend, that when the dey goes to his long home, that his successor will not renew the peace with Great Britain, without a large sum of money is paid, and very valuable presents. This I well know; the whole ministry says, that the peace with the English is very old, and that the English must conform to the custom of other nations, in giving the government here money and presents. In fact, the Algerines are trying their endeavors to find

some nation to break the peace with them. I think, if they had treated the English in such a manner as they have the French, that the English would resent it."

Extract of a letter from Richard O'Brien to the Hon. Thomas Jefferson. Algiers, June 13, 1789.

"What dependence or faith could be given to a peace with the Algerines, considering their present haughtiness, and with what contempt and derision do they treat all nations; so that, in my opinion, until the Algerines more strictly adhere to the treaties they have already made, it would be impolitic in any nation to try to make a peace here; for I see they take more from the nations they are at peace with, than from those they are at declared war with. The Portuguese, I hope, will keep the Algerines inside the straits; for only consider the bad consequence of the Algerines going into the mar Grandi. Should the Portuguese make a sudden peace with this regency, the Algerines would immediately go out of the straits, and of course, take many an American."

No. 5.—*Extract of a letter from the Hon. John Adams, Esq., Minister Plenipotentiary of the United States at the Court of Great Britain, to the Hon. John Jay, Esq., Secretary for Foreign Affairs. February 16, 1786.*

"The American commerce can be protected from these Africans only by negotiation, or by war. If presents should be exacted from us, as ample as those which are given by England, the expense may amount to sixty thousand pounds sterling a year, an enormous sum to be sure; but infinitely less than the expense of fighting. Two frigates of 30 guns each would cost as much to fit them for the sea, besides the accumulating charges of stores, provisions, pay, and clothing. The powers of Europe generally send a squadron of men of war with their ministers, and offer battle at the same time that they propose treaties and promise presents."

No. 6.—*Several statements of the Marine force of Algiers.—Public and private.*

May 20, 1786.—Mr. Lamb says it consists of

9 Chebecs } from 36 to 8 guns; manned, the largest with 400
10 Row Galleys } men, and so in proportion.

May 27, 1787.—Mr. Randall furnishes two statements, viz.:

A more general one—1 Setye of 34 guns.

2	"	"	32 "
1	"	"	26 "
1	"	"	24 "
1	Chebec		20 "
1	"	"	18 "
1	"	"	10 "
8			

4 half-galleys, carrying from 120 to 130 Moors.
3 galliots of 70, 60, and 50 Moors.

A more particular one as follows:

1 of 32 guns, viz.	2 eighteens,	24 nines,	6 fours,	and	450 men.		
1 of 28 "	"	2 twelves,	24 "	2 sixes,	"	400 "	
1 of 24 "	"		20 fours,		"	350 "	
1 of 20 "	"		20 sixes,		"	300 "	
2 of 18 "	"		18 "		"	260 "	
1 of 16 "	"		16 "		"	250 "	

2 small craft.

9

55 gun-boats, carrying 1 twelve pounder each, for defence of the harbor.

June 8, 1786.—A letter from the three American captains, O'Brien, Coffin, and Stephens, state them

as

1	of 32
1	of 30
3	of 24
3	of 18
1	of 12
9	and 55 gun-boats.

September 25, 1787.—Captain O'Brien furnishes the following statement:

1 of 30 guns,	400 men,	106 feet length,	straight keel.						
1 of 26 "	320 "	96 "	"	"	"				
2 of 22 "	240 "	80 "	"	"	"				
1 of 22 "	240 "	75 "	"	"	"				

	1 of	22	guns,	240	men,	70	feet length,	straight	keel.
	1 of	18	"	200	"	70	"	"	"
	1 of	16	"	180	"	64	"	"	"
	1 of	12	"	150	"	50	"	"	"
	9								
Galleys	1 of	4	"	70	"	40	"	"	"
	2 of	2	"	46	"	32	"	"	"
	1 of	2	"	40	"	32	"	"	"

February 5, 1788.—Statement by the inhabitants of Algiers, spoken of in the report.

9 vessels from 36 down to 20 guns.
4 or 5 smaller.

About this date the Algerines lost two or three vessels, stranded or taken.

December, 1789.—Captain O'Brien furnishes the latest statement.

1 ship of 24 guns, received lately from France.
5 large cruisers.

6 3 galleys, and 60 gun-boats.

In the fall of 1789, they laid the keel of a 40 gun frigate, and they expect two cruisers from the grand seignior.

No. 7.—*Translation of a letter from Count D'Estaing to the Hon. Thomas Jefferson, Esq. Paris, May* 17, 1784.

Sir,—In giving you an account of an opinion of Mr. Massiac, and which absolutely corresponds with my own, I cannot too much observe how great a difference may take place in the course of forty years between the means which he required and those which political circumstances, that I cannot ascertain, may exact.

This Secretary of State, afterwards vice-Admiral, had the modesty, when a captain, to propose a means for the reduction of Algiers, less brilliant to himself, but more sure and economical than the one government was about to adopt. They wanted him to undertake a bombardment; he proposed a simple blockade. All the force he requested was a single man-of-war, two strong frigates, and two sloops-of-war.

I am convinced, that by blocking up Algiers by cross-anchoring, and with a long tow, that is to say, with several cables spliced to each other, and with iron chains, one might, if necessary, always remain

there, and there is no Barbarian power thus confined, which would not sue for peace.

During the war before last the English remained, even in winter, at anchor before Morbian, on the coast of Brittany, which is a much more dangerous coast. Expeditious preparation for sailing of the vessels which form the blockade, which should be of a sufficient number to prevent anything from entering or going out, while the rest remain at their stations, the choice of these stations, skilful manœuvres, strict watch during the night, every precaution against the element which every seaman ought to be acquainted with; also, against the enemy to prevent the sudden attack of boats, and to repel them in case they should make an attack by boats prepared for the purpose, frequent refreshments for the crews, relieving the men, an unshaken constancy and exactness in service, are the means, which in my opinion, would render the event indubitable. Bombardments are but transitory. It is, if I may so express myself, like breaking glass windows with guineas. None have produced effect against the barbarians. Even an imperfect blockade, were one to have the patience and courage to persist therein, would occasion a perpetual evil, it would be insupportable in the long run. To obtain the end proposed no advantage ought to be lost. If several powers would come to a good understanding, and pursue a plan formed on the principles of humanity; if they were not counteracted by others, it would require but a few years to compel the barbarians to cease being pirates; they would become merchants in spite of themselves. It is needless to observe, that the unsuccessful attempts of Spain, and those under which the republic of Venice, perhaps, hides other views, have increased the strength as well as the self-love of all the barbarians. We are assured that the Algerines have fitted out merchantmen with heavy cannon. This would render it necessary to block the place with two ships, so that one of the two might remain moored near the bar, while the other might prepare to support such of the frigates as should give chase. But their chebecs, even their frigates, and all their vessels, although overcharged with men, are moreover so badly armed and manœuvred that assistance from without would be most to be feared.

Your excellency has told me the only true means of bringing to terms the only people who can take a pleasure in disturbing our commerce. You see, I speak as an American citizen; this title, dear to my heart, the value of which I justly prize, affords me the happy opportunity of offering, still more particularly, the homage, the sincere attachment, and the respect with which I have the honor to be, &c.

ESTAING.

Report on the Algerine Prisoners.

December 28, 1790.

The Secretary of State, having had under consideration the situation of the citizens of the United States in captivity at Algiers, makes the following report thereupon to the President of the United States:

When the House of Representatives, at their late session, were pleased to refer to the Secretary of State, the petition of our citizens in captivity at Algiers, there still existed some expectation that certain measures, which had been employed to effect their redemption, the success of which depended on their secrecy, might prove effectual. Information received during the recess of Congress has so far weakened those expectations, as to make it now a duty to lay before the President of the United States, a full statement of what has been attempted for the relief of these our suffering citizens, as well before, as since he came into office, that he may be enabled to decide what further is to be done.

On the 25th of July, 1785, the schooner Maria, Captain Stevens, belonging to a Mr. Foster, of Boston, was taken off Cape St. Vincents, by an Algerine corsair; and, five days afterwards, the ship Dauphin, Captain O'Brien, belonging to Messrs. Irvins of Philadelphia, was taken by another Algerine, about fifty leagues westward of Lisbon. These vessels, with their cargoes and crews,

twenty-one persons in number, were carried into Algiers.

Congress had some time before commissioned Ministers Plenipotentiary for entering into treaties of amity and commerce with the Barbary Powers, and to send to them proper agents for preparing such treaties. An agent was accordingly appointed for Algiers, and his instructions prepared, when the Ministers Plenipotentiary received information of these captures. Though the ransom of captives was not among the objects expressed in their commissions, because at their dates the case did not exist, yet they thought it their duty to undertake that ransom, fearing that the captives might be sold and dispersed through the interior and distant countries of Africa, if the previous orders of Congress should be waited for. They therefore added a supplementary instruction to the agent to negotiate their ransom. But, while acting thus without authority, they thought themselves bound to offer a price so moderate as not to be disapproved. They therefore restrained him to two hundred dollars a man; which was something less than had been just before paid for about three hundred French captives, by the Mathurins, a religious order of France, instituted in ancient times for the redemption of Christian captives from the infidel Powers. On the arrival of the agent at Algiers, the dey demanded fifty-nine thousand four hundred and ninety-six dollars for the twenty-one captives, and could be brought to abate

but little from that demand. The agent, therefore, returned in 1786, without having effected either peace or ransom.

In the beginning of the next year, 1787, the Minister Plenipotentiary of the United States at Paris procured an interview with the general of the religious order of Mathurins, before mentioned, to engage him to lend his agency, at the expense of the United States, for the redemption of their captive citizens. He proffered at once all the services he could render, with the liberality and the zeal which distinguish his character. He observed, that he had agents on the spot, constantly employed in seeking out and redeeming the captives of their own country; that these should act for us, as for themselves; that nothing could be accepted for their agency; and that he would only expect that the price of redemption should be ready on our part, so as to cover the engagement into which he should enter. He added, that, by the time all expenses were paid, their last redemption had amounted to near two thousand five hundred livres a man, and that he could by no means flatter us that they could redeem our captives as cheap as their own. The pirates would take advantage of its being out of their ordinary line. Still he was in hopes they would not be much higher.

The proposition was then submitted to Congress, that is to say, in February, 1787, and on the 19th of September, in the same year, their Minister Pleni-

potentiary at Paris received their orders to embrace the offers of the Mathurins. This he immediately notified to the general, observing, however, that he did not desire him to enter into any engagements till a sufficient sum to cover them should be actually deposited in Paris. The general wished that the whole might be kept rigorously secret, as, should the barbarians suspect him to be acting for the United States, they would demand such sums as he could never agree to give, even with our consent, because it would injure his future purchases from them. He said he had information from his agent at Algiers, that our captives received so liberal a daily allowance as to evince that it came from a public source. He recommended that this should be discontinued; engaging that he would have an allowance administered to them, much short indeed of what they had hitherto received, but such as was given to his own countrymen, quite sufficient for physical necessities, and more likely to prepare the opinion, that as they were subsisted by his charity, they were to be redeemed by it also. These ideas, suggested to him by the danger of raising his market, were approved by the Minister Plenipotentiary; because, this being the first instance of a redemption by the United States, it would form a precedent, because a high price given by us might induce these pirates to abandon all other nations in pursuit of Americans; whereas, the contrary would take place, could our price of redemption be fixed at the lowest point.

To destroy, therefore, every expectation of a redemption by the United States, the bills of the Spanish consul at Algiers, who had made the kind advances before spoken of for the sustenance of our captives, were not answered. On the contrary, a hint was given that these advances had better be discontinued, as it was not known that they would be reimbursed. It was necessary even to go further, and to suffer the captives themselves and their friends to believe for awhile, that no attention was paid to them, no notice taken of their letters. They are still under this impression. It would have been unsafe to trust them with a secret, the disclosure of which might forever prevent their redemption, by raising the demands of the captors to sums which a due regard for our seamen, still in freedom, would forbid us to give. This was the most trying of all circumstances, and drew from them the most afflicting reproaches.

It was a twelvemonth afterwards before the money could be deposited in Paris, and the negotiation be actually put into train. In the meantime the general had received information from Algiers of a very considerable change of prices there. Within the last two or three years the Spaniards, the Neapolitans, and the Russians, had redeemed at exorbitant sums. Slaves were become scarce, and would hardly be sold at any price. Still he entered on the business with an assurance of doing the best in his power; and he was authorized to offer as far

as three thousand livres, or five hundred and fifty-five dollars a man. He wrote immediately to consult a confidential agent at Marseilles, on the best mode of carrying this business into effect; from whom he received the answer No. 2, hereto annexed.

Nothing further was known of his progress or prospects, when the House of Representatives were pleased, at their last session, to refer the petition of our captives at Algiers to the Secretary of State. The preceding narrative shows that no report could have then been made without risking the object, of which some hopes were still entertained. Later advices, however, from the Chargé des Affaires of the United States, at Paris, informs us, that these measures, though not yet desperate, are not to be counted on. Besides the exorbitance of price, before feared, the late transfer of the lands and revenues of the clergy in France to the public, by withdrawing the means, seems to have suspended the proceedings of the Mathurins in the purposes of their institution.

It is time, therefore, to look about for something more promising, without relinquishing, in the meanwhile, the chance of success through them. Endeavors to collect information, which have been continued a considerable time, as to the ransoms which would probably be demanded from us, and those actually paid by other nations, enable the Secretary of State to lay before the President the following short view, collected from original papers now in his possession, or from information delivered

to him personally. Passing over the ransoms of the Mathurins, which are kept far below the common level by special circumstances:

In 1786, the dey of Algiers demanded from our agent $59,496 for twenty-one captives, which was $2,833 a man. The agent flattered himself they could be ransomed for $1,200 apiece. His secretary informed us, at the same time, that Spain had paid $1,600.

In 1787, the Russians redeemed at $1,546 a man.

In 1788, a well-informed inhabitant of Algiers assured the Minister Plenipotentiary of the United States at Paris, that no nation had redeemed, since the Spanish treaty, at less than from £250 to £300 sterling, the medium of which is $1,237. Captain O'Brien, at the same date, thinks we must pay $1,800, and mentions a Savoy captain, just redeemed at $4,074.

In 1789, Mr. Logie, the English consul at Algiers, informed a person who wished to ransom one of our common sailors, that he would cost from £450 to £500 sterling, the mean of which is $2,137. In December of the same year, Captain O'Brien thinks our men will now cost $2,290 each, though a Jew merchant believes he could get them for $2,264.

In 1790, July 9th, a Mr. Simpson, of Gibraltar, who, at some particular request, had taken pains to find for what sum our captives could be redeemed, finds that the fourteen will cost $34,790, which is $2,485 a man. At the same date, one of them, a

Scotch boy, a common mariner, was actually redeemed at 8,000 livres, equal to $1,481, which is within nineteen dollars of the price Simpson states for common men; and the Chargé des Affaires of the United States at Paris is informed that the whole may be redeemed at that rate, adding fifty per cent, on the captains, which would bring it to $1,571 a man.

It is found then that the prices are 1,200, 1,237, 1,481, 1,546, 1,571, 1,600, 1,800, 2,137, 2,264, 2,485, 2,833⅓, and 2,920 dollars a man, not noticing that of $4,074, because it was for a captain.

In 1786, there were 2,200 captives in Algiers, which, in 1789, had been reduced by death or ransom to 655. Of ours six have died, and one has been ransomed by his friends.

From these facts and opinions, some conjecture may be formed of the terms on which the liberty of our citizens may be obtained.

But should it be thought better to repress force by force, another expedient for their liberation may perhaps offer. Captures made on the enemy may perhaps put us into possession of some of their mariners, and exchange be substituted for ransom. It is not indeed a fixed usage with them to exchange prisoners. It is rather their custom to refuse it. However, such exchanges are sometimes effected, by allowing them more or less of advantage. They have sometimes accepted of two Moors for a Christian, at others they have refused five or six for one.

Perhaps Turkish captives may be objects of greater partiality with them, as their government is entirely in the hands of Turks, who are treated in every instance as a superior order of beings. Exchange, too, will be more practicable in our case, as our captives have not been sold to private individuals, but are retained in the hands of the Government.

The liberation of our citizens has an intimate connection with the liberation of our commerce in the Mediterranean, now under the consideration of Congress. The distresses of both proceed from the same cause, and the measures which shall be adopted for the relief of the one, may, very probably, involve the relief of the other.

The Secretary of State, to whom was referred by the House of Representatives, the representation from the General Court of the Commonwealth of Massachusetts, on the subjects of the cod and whale fisheries, together with the several papers accompanying it, has had the same under consideration, and thereupon makes the following report:

February 1, 1791.

The representation sets forth that, before the late war, about four thousand seamen, and about twenty-four thousand tons of shipping, were annually employed from that State, in the whale fishery, the produce whereof was about three hundred and fifty thousand pounds lawful money a year.

That, previous to the same period, the cod fishery of that State employed four thousand men, and twenty-eight thousand tons of shipping, and produced about two hundred and fifty thousand pounds a year.

That these branches of business, annihilated during the war, have been, in some degree, recovered since; but that they labor under many and heavy embarrassments, which, if not removed, or lessened, will render the fisheries every year less extensive and important.

That these embarrassments are heavy duties on their produce abroad, and bounties on that of their competitors; and duties at home on several articles, particularly used in the fisheries.

And it asks that the duties be taken off; that bounties be given to the fishermen; and the national influence be used abroad, for obtaining better markets for their produce.

The cod and whale fisheries, carried on by different persons, from different ports, in different vessels, in different seas, and seeking different markets, agree in one circumstance, in being as unprofitable to the adventurer, as important to the public. A succinct view of their rise, progress, and present state, with different nations, may enable us to note the circumstances which have attended their prosperity, and their decline; to judge of the embarrassments which are said to oppress ours; to see whether they depend on our own will, and may, therefore, be remedied

immediately by ourselves, or, whether depending on the will of others, they are without the reach of remedy from us, either directly or indirectly.

Their history being as unconnected as their practice, they shall be separately considered.

Within twenty years after the supposed discovery of Newfoundland, by the Cabots, we find that the abundance of fish on its banks, had already drawn the attention of the people of Europe. For, as early as 1517, or 1519, we are told of fifty ships being seen there at one time. The first adventurers in that fishery were the Biscayans, of Spain, the Basques and Bas-Bretons, of France, all united anciently in language, and still in habits, and in extreme poverty. The last circumstance enabled them long to retain a considerable share of the fishery. In 1577, the French had one hundred and fifty vessels there; the Spaniards had still one hundred, and the Portuguese fifty, when the English had only fifteen. The Spaniards and Portuguese seem at length to have retired silently, the French and English claiming the fishery exclusively, as an appurtenance to their adjacent colonies, and the profits being too small for nations surcharged with the precious metals proceeding from their mines.

Without materials to trace the intermediate progress, we only know that, so late as 1744, the French employed there five hundred and sixty-four ships, and twenty-seven thousand five hundred seamen, and took one million two hundred and forty-six

thousand quintals of fish, which was three times the extent to which England and her colonies together, carried this fishery at that time.

The English, in the beginning of the seventeenth century, had employed, generally, about one hundred and fifty vessels in the Newfoundland fishery. About 1670 we find them reduced to eighty, and one hundred, the inhabitants of New England beginning now to supplant them. A little before this, the British Parliament perceiving that their citizens were unable to subsist on the scanty profits which sufficed for their poorer competitors, endeavored to give them some advantage by prohibiting the importation of foreign fish; and, at the close of the century, they formed some regulations for their government and protection, and remitted to them some duties. A successful war enabled them, in 1713, to force from the French a cession of the Island of Newfoundland; under these encouragements, the English and American fisheries began to thrive. In 1731 we find the English take two hundred thousand quintals of fish, and the Americans two hundred and thirty thousand, besides the refuse fish, not fit for European markets. They continue to gain ground, and the French to lose it, insomuch that, about 1755, they are said to have been on a par; and, in 1768, the French have only two hundred and fifty-nine vessels, of twenty-four thousand four hundred and twenty tons, nine thousand seven hundred and twenty-two seamen, taking two hundred thousand quintals, while America

alone, for some three or four years before that, and so on, to the commencement of the late war, employed six hundred and sixty-five vessels, of twenty-five thousand six hundred and fifty tons, and four thousand four hundred and five seamen, and took from three hundred and fifty thousand to upwards of four hundred thousand quintals of fish, and England a still greater quantity, five hundred and twenty-six thousand quintals, as is said.

Spain had formally relinquished her pretensions to a participation in these fisheries, at the close of the preceding war; and, at the end of this, the adjacent continent and islands being divided between the United States, the English and French, (for the last retained two small islands merely for this object,) the right of fishing was appropriated to them also.

France, sensible of the necessity of balancing the power of England on the water, and, therefore, of improving every resource for raising seamen, and seeing that her fishermen could not maintain their competition without some public patronage, adopted the experiment of bounties on her own fish, and duties on that of foreign nations brought into her markets. But, notwithstanding this, her fisheries dwindle, from a change taken place, insensibly, in the character of her navigation, which, from being the most economical, is now become the most expensive. In 1786, she is said to have employed but seven thousand men in this fishery, and to have taken four hundred and twenty-six thousand quin-

tals; and, in 1787, but six thousand men, and one hundred and twenty-eight thousand quintals. She seems not yet sensible that the unthriftiness of her fisheries proceeds from the want of economy, and not the want of markets; and that the encouragement of our fishery abridges that of a rival nation, whose power on the ocean has long threatened the loss of all balance on that element.

The plan of the English Government, since the peace, has been to prohibit all foreign fish in their markets, and they have given from eighteen to fifty thousand pounds sterling on every fishing vessel complying with certain conditions. This policy is said to have been so far successful, as to have raised the number of seamen employed in that business, in 1786, to fourteen thousand, and the quantity of fish taken, to 732,000 quintals. * * * *

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The fisheries of the United States, annihilated during the war; their vessels, utensils, and fishermen destroyed; their markets in the Mediterranean and British America lost, and their produce dutied in those of France; their competitors enabled by bounties to meet and undersell them at the few markets remaining open, without any public aid, and, indeed, paying aids to the public;—such were the hopeless auspices under which this important business was to be resumed. Yet it was resumed, and, aided by the mere force of natural advantages, they employed, during the years 1786, 1787, 1788,

and 1789, on an average, five hundred and thirty-nine vessels, of nineteen thousand one hundred and eighty-five tons, three thousand two hundred and eighty-seven seamen, and took two hundred and fifty thousand six hundred and fifty quintals of fish. * * * And an official paper * * shows that, in the last of those years, our exportation amounted to three hundred and seventy-five thousand and twenty quintals, and thirty thousand four hundred and sixty-one barrels; deduction made of three thousand seven hundred and one quintals, and six thousand three hundred and forty-three barrels of foreign fish, received and re-exported. * * Still, however, the calculations * * which accompany the representation, show that the profits of the sales in the years 1787 and 1788, were too small to afford a living to the fishermen, and on those of 1789, there was such a loss as to withdraw thirty-three vessels, of the town of Marblehead alone, from the further pursuit of this business; and the apprehension is, that, without some public aid, those still remaining will continue to withdraw, and this whole commerce be engrossed by a single nation.

This rapid view of the cod fishery enables us to discern under what policy it has flourished or declined in the hands of other nations, and to mark the fact, that it is too poor a business to be left to itself, even with the nation most advantageously situated.

It will now be proper to count the advantages which aid, and the disadvantages which oppose us, in this conflict.

Our advantages are—

1. The neighborhood of the great fisheries, which permits our fishermen to bring home their fish to be salted by their wives and children.

2. The shore fisheries, so near at hand, as to enable the vessels to run into port in a storm, and so lessen the risk, for which distant nations must pay insurance.

3. The winter fisheries, which, like household manufactures, employ portions of time, which would otherwise be useless.

4. The smallness of the vessels, which the shortness of the voyage enables us to employ, and which, consequently, require but a small capital.

5. The cheapness of our vessels, which do not cost above the half of the Baltic fir vessels, computing price and duration.

6. Their excellence as sea boats, which decreases the risk and quickens the return.

7. The superiority of our mariners in skill, activity, enterprise, sobriety, and order.

8. The cheapness of provisions.

9. The cheapness of casks, which, of itself, is said to be equal to an extra profit of fifteen per cent.

These advantages are of such force, that, while experience has proved that no other nation can make a mercantile profit on the Newfoundland fishery, nor can support it without national aid, we can make a living profit, if vent for our fish can be procured.

Of the disadvantages opposed to us, those which depend on ourselves, are—

Tonnage and naval duties on the vessels employed in the fishery.

Impost duties on salt.

On tea, rum, sugar, molasses, hooks, lines, and leads, duck, cordage, and cables, iron, hemp, and twine, used in the fishery; coarse woollens, worn by the fishermen, and the poll tax levied by the State on their persons. The statement No. 6, shows the amount of these, exclusive of the State tax and drawback on the fish exported, to be $5.25 per man, or $57.75 per vessel of sixty-five tons. When a business is so nearly in equilibrio that one can hardly discern whether the profit be sufficient to continue it or not, smaller sums than these suffice to turn the scale against it. To these disadvantages, add ineffectual duties on the importation of foreign fish. In justification of these last, it is urged that the foreign fish received, is in exchange for the produce of agriculture. To which it may be answered, that the thing given, is more merchantable than that received in exchange, and agriculture has too many markets to be allowed to take away those of the fisheries. It will rest, therefore, with the wisdom of the Legislature to decide, whether prohibition should not be opposed to prohibition, and high duty to high duty, on the fish of other nations; whether any, and which, of the naval and other duties may be remitted, or an equivalent given to the fisherman, in the form of a

drawback, or bounty; and whether the loss of markets abroad, may not, in some degree, be compensated, by creating markets at home; to which might contribute the constituting fish a part of the military ration, in stations not too distant from navigation, a part of the necessary sea stores of vessels, and the encouraging private individuals to let the fishermen share with the cultivator, in furnishing the supplies of the table. A habit introduced from motives of patriotism, would soon be followed from motives of taste; and who will undertake to fix the limits to this demand, if it can be once excited, with a nation which doubles, and will continue to double, at very short periods?

Of the disadvantages which depend on others, are—

1. The loss of the Mediterranean markets.

2. Exclusions from the markets of some of our neighbors.

3. High duties in those of others; and,

4. Bounties to the individuals in competition with us.

The consideration of these will find its place more aptly, after a review of the condition of our whale fishery shall have led us to the same point. To this branch of the subject, therefore, we will now proceed.

The whale fishery was first brought into notice of the southern nations of Europe, in the fifteenth century, by the same Biscayans and Basques who led

the way to the fishery of Newfoundland. They began it on their own coasts, but soon found that the principal residence of the whale was in the Northern seas, into which, therefore, they pursued him. In 1578 they employed twenty-five ships in that business. The Dutch and Hamburghers took it up after this, and about the middle of the seventeenth century the former employed about two hundred ships, and the latter about three hundred and fifty.

The English endeavored also to participate of it. In 1672, they offered to their own fishermen a bounty of six shillings a ton, on the oil they should bring home, and instituted, at different times, different exclusive companies, all of which failed of success. They raised their bounty, in 1733, to twenty shillings a ton, on the admeasurement of the vessel. In 1740, to thirty shillings, with a privilege to the fishermen against being impressed. The Basque fishery, supported by poverty alone, had maintained but a feeble existence, before competitors aided by the bounties of their nation, and was, in fine, annihilated by the war of 1745, at the close of which the English bounty was raised to forty shillings. From this epoch, their whale fishery went on between the limits of twenty-eight and sixty-seven vessels, till the commencement of the last war.

The Dutch, in the meantime, had declined gradually to about one hundred and thirty ships, and have, since that, fallen down to less than half that

number. So that their fishery, notwithstanding a bounty of thirty florins a man, as well as that of Hamburg, is now nearly out of competition.

In 1715, the Americans began their whale fishery. They were led to it at first by the whales which presented themselves on their coasts. They attacked them there in small vessels of forty tons. As the whale, being infested, retired from the coast, they followed him farther and farther into the ocean, still enlarging their vessels with their adventures, to sixty, one hundred, and two hundred tons. Having extended their pursuit to the Western Islands, they fell in, accidentally, with the spermaceti whale, of a different species from that of Greenland, which alone had hitherto been known in commerce; more fierce and active, and whose oil and head matter was found to be more valuable, as it might be used in the interior of houses without offending the smell. The distinction now first arose between the Northern and Southern fisheries; the object of the former being the Greenland whale, which frequents the Northern coasts and seas of Europe and America; that of the latter being the spermaceti whale, which was found in the Southern seas, from the Western Islands and coast of Africa, to that of Brazil, and still on to the Falkland Islands. Here, again, within soundings, on the coast of Brazil, they found a third species of whale, which they called the black or Brazil whale, smaller than the Greenland, yielding a still less valuable oil, fit only for summer use, as it becomes opaque

at 50 degrees of Fahrenheit's thermometer, while that of the spermaceti whale is limpid to 41, and of the Greenland whale to 36, of the same thermometer. It is only worth taking, therefore, when it falls in the way of the fishermen, but not worth seeking, except when they have failed of success against the spermaceti whale, in which case, this kind, easily found and taken, serves to moderate their loss.

In 1771 the Americans had one hundred and eighty-three vessels, of thirteen thousand eight hundred and twenty tons, in the Northern fishery, and one hundred and twenty-one vessels, of fourteen thousand and twenty tons, in the Southern, navigated by four thousand and fifty-nine men. At the beginning of the late war, they had one hundred and seventy-seven vessels in the Northern, and one hundred and thirty-two in the Southern fishery. At that period, our fishery being suspended, the English seized the opportunity of pushing theirs. They gave additional bounties of £500; £400, £300, £200, £100 sterling, annually, to the five ships which should take the greatest quantities of oil. The effect of which was such, as, by the year 1786, to double the quantity of common oil necessary for their own consumption. Finding, on a review of the subject, at that time, that their bounties had cost the Government £13 10*s.* sterling a man, annually, or sixty per cent. on the cargoes, a part of which went consequently to ease the purchases of this article made by foreign nations, they reduced the northern bounty

from forty to thirty shillings the ton of admeasurement.

They had, some little time before, turned their attention to the Southern fishery, and given very great bounties in it, and had invited the fishermen of the United States to conduct their enterprises. Under their guidance, and with such encouragement, this fishery, which had only begun with them in 1784 or 1785, was rising into value. In 1788 they increased their bounties, and the temptations to our fishermen, under the general description of *foreigners who had been employed in the whale fishery*, to pass over with their families and vessels to the British dominions, either in America or Europe, but preferably to the latter. The effect of these measures had been prepared, by our whale oils becoming subject, in their market, to the foreign duty of £18 5*s*. sterling the ton, which, being more than equal to the price of the common oil, operated as a prohibition on that, and gave to their spermaceti oil a preference over ours to that amount.

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The fishermen of the United States, left without resource, by the loss of their market, began to think of accepting the British invitation, and of removing, some to Nova Scotia, preferring smaller advantages in the neighborhood of their ancient country and friends others to Great Britain, postponing country and friends to high premiums.

The Government of France could not be inatten-

tive to these proceedings. They saw the danger of letting four or five thousand seamen, of the best in the world, be transferred to the marine strength of another nation, and carry over with them an art, which they possessed almost exclusively. To give time for a counterplan, the Marquis de Lafayette, the valuable friend and citizen of this, as well as that country, wrote to a gentleman in Boston, to dissuade the fishermen from accepting the British proposals, and to assure them that their friends in France would endeavor to do something for them. A vessel was then arrived from Halifax at Nantucket, to take off those who had proposed to remove. Two families had gone abroad, and others were going. In this moment, the letter arriving, suspended their designs. Not another went abroad, and the vessel returned to Halifax with only the two families.

The plan adopted by the French ministry, very different from that of the first mover, was to give a counter invitation to the Nantucket men to remove and settle in Dunkirk, offering them a bounty of fifty livres (between nine and ten dollars) a ton on the admeasurement of the vessels they should equip for the whale fishery, with some other advantages. Nine families only, of thirty-three persons, accepted the invitation. This was in 1785. In 1786, the ministry were led to see that their invitation would produce but little effect, and that the true means of preventing the emigration of our fishermen to the British dominions would be to enable them still to

follow their calling from their native country, by giving them a new market for their oils, instead of the old one they had lost. The duties were, therefore, abated on American whale oil immediately, and a further abatement promised by the letter No. 8, and, in December, 1787, the arrêt No. 9 was passed.

The rival fishermen immediately endeavored to turn this measure to their own advantage, by pouring their whale oils into the markets of France, where they were enabled, by the great premiums received from their Government, perhaps, too, by extraordinary indemnifications, to undersell both the French and American fishermen. To repel this measure, France shut her ports to all foreign fish oils whatever, by the arrêt No. 10. The British whale fishery fell, in consequence, the ensuing year from two hundred and twenty-two to one hundred and seventy-eight ships. But this general exclusion has palsied our fishery also. On the 7th of December, 1788, therefore, by the arrêt No. 11, the ports of France still remaining shut to all other nations, were again opened to the produce of the whale fisheries of the United States, continuing, however, their endeavors to recover a share in this fishery themselves, by the aid of our fishermen. In 1784, 1785, 1786, they had had four ships. In 1787, three. In 1788, seventeen in the two fisheries of four thousand five hundred tons. These cost them in bounty 225,000 livres, which divided on one thousand five hundred and fifty tons of oil, the quantity they took, amounted to 145 livres

(near twenty-seven dollars) the ton, and, on about one hundred natives on board the seventeen ships, (for there were one hundred and fifty Americans engaged by the voyage) came to 2,225 livres, or about 416⅔ dollars a man.

We have had, during the years 1787, 1788 and 1789, on an average, ninety-one vessels, of five thousand eight hundred and twenty tons, in the northern, and thirty-one of four thousand three hundred and ninety tons in the southern fishery. * *

These details will enable Congress to see with what a competition we have to struggle for the continuance of this fishery, not to say its increase. Against prohibitory duties in one country, and bounties to the adventurers in both of those which are contending with each other for the same object, ours have no auxiliaries, but poverty and rigorous economy. The business, unaided, is a wretched one. The Dutch have peculiar advantages for the northern fishery, as being within six or eight days' sail of the grounds, as navigating with more economy than any other nation in Europe, their seamen content with lower wages, and their merchants with lower profit. Yet the memorial No. 13, from a committee of the whale merchants to the States General of Holland, in the year 1775, states that fourteen millions of guilders, equal to five million six hundred thousand dollars, has been lost in that fishery in forty-seven years, being about one hundred and twenty thousand dollars a year. The States General, thereupon, gave

a bounty of thirty guilders a man to the fishermen. A person immediately acquainted with the British whale fishery, and whose information merits confidence, has given assurance that the ships employed in their northern fishery, in 1788, sunk £800 each, on an average, more than the amount of the produce and bounties. An English ship of three hundred tons and forty-two seamen, in this fishery, generally brings home, after a four months' voyage, twenty-five tons of oil, worth £437 10*s*. sterling; but the wages of the officers and seamen will be £400; there remain but £37 10*s*., not worth taking into account, towards the outfit and merchants' profit. These, then, must be paid by the Government; and it is on this idea that the British bounty is calculated.

Our vessels for the northern fishery average sixty-four tons, and cost, when built, fitted out, and victualled for the first voyage, about three thousand dollars. They have taken, on an average, the three last years, according to the statement No. 12, eighteen tons of oil, worth, at our market, nine hundred dollars, which are to pay all expenses, and subsist the fishermen and merchant. Our vessels for the southern fishery average one hundred and forty tons, and cost, when built, fitted out, and victualled, for their first voyage, about six thousand five hundred dollars. They have taken on an average, the three last years, according to the same statement, thirty-two tons of oil each, worth at our market three thousand two hundred dollars, which are, in like manner,

to pay all expenses, and subsist the owners and navigators. These expenses are great, as the voyages are generally of twelve months' duration. No hope can arise of their condition being bettered by an augmentation of the price of oil. This is kept down by the competition of the vegetable oils, which answer the same purposes, not quite so well, but well enough to become preferable, were the price to be raised, and so well, indeed, as to be more generally used than the fish oils for lighting houses and cities.

The American whale fishery is principally followed by the inhabitants of the island of Nantucket—a sand bar of about fifteen miles long, and three broad, capable of maintaining, by its agriculture, about twenty families; but it employed in these fisheries, before the war, between five or six thousand men and boys; and, in the only harbor it possesses, it had one hundred and forty vessels, one hundred and thirty-two of which were of the larger kind, as being employed in the southern fishery. In agriculture, then, they have no resource; and, if that of their fishery cannot be pursued from their own habitations, it is natural they should seek others from which it can be followed, and preferably those where they will find a sameness of language, religion, laws, habits, and kindred. A foreign emissary has lately been among them, for the purpose of renewing the invitations to a change of situation. But, attached to their native country, they prefer continuing in it, if their continuance there can be made supportable.

This brings us to the question, what relief does the condition of this fishery require?

1. A remission of duties on the articles used for their calling.

2. A retaliating duty on foreign oils, coming to seek a competition with them in or from our ports.

3. Free markets abroad.

1. The remission of duties will stand on nearly the same ground with that to the cod fishermen.

2. The only nation whose oil is brought hither for competition with our own, makes ours pay a duty of about eighty-two dollars the ton, in their ports. Theirs is brought here, too, to be reshipped fraudulently, under our flag, into ports where it could not be received under theirs, and ought not to be covered by ours, if we mean to preserve our own admission into them.

The third and principal object is to find markets for the vent of oil.

Portugal, England, Holland, Sweden, Denmark, Prussia, Russia, the Hanse towns, supply themselves and something more. Spain and Italy receive supplies from England, and need the less, as their skies are clearer. France is the only country which can take our surplus, and they take principally of the common oil; as the habit is but commencing with them of ascribing a just value to spermaceti whale. Some of this, however, finds its vent there. There was, indeed, a particular interest perpetually soliciting the exclusion of our oils from their markets.

The late Government there saw well that what we should lose thereby would be gained by others, not by themselves. And we are to hope that the present Government, as wise and friendly, will also view us, not as rivals, but as co-operators against a common rival. Friendly arrangements with them, and accommodation to mutual interest, rendered easier by friendly dispositions existing on both sides, may long secure to us this important resource for our seamen. Nor is it the interest of the fisherman alone, which calls for the cultivation of friendly arrangements with that nation; besides five-eighths of our whale oil, and two-thirds of our salted fish, they take from us one-fourth of our tobacco, three-fourths of our live stock * * a considerable and growing portion of our rice, great supplies, occasionally, of other grain; in 1789, which, indeed, was extraordinary, four millions of bushels of wheat, and upwards of a million of bushels of rye and barley * * and nearly the whole carried in our own vessels. * * They are a free market now, and will, in time, be a valuable one for ships and ship timber, potash, and peltry.

England is the market for the greatest part of our spermaceti oil. They impose on all our oils a duty of eighteen pounds five shillings sterling the ton, which, as to the common kind, is a prohibition, as has been before observed, and, as to the spermaceti, gives a preference of theirs over ours to that amount, so as to leave, in the end, but a scanty benefit to the fishermen; and, not long since, by a change of con-

struction, without any change of law, it was made to exclude our oils from their ports, when carried in our vessels. On some change of circumstance, it was construed back again to the reception of our oils, on paying always, however, the same duty of eighteen pounds five shillings. This serves to show that the tenure by which we hold the admission of this commodity in their markets, is as precarious as it is hard. Nor can it be announced that there is any disposition on their part to arrange this or any other commercial matter, to mutual convenience. The *ex parte* regulations which they have begun for mounting their navigation on the ruins of ours, can only be opposed by counter regulations on our part. And the loss of seamen, the natural consequence of lost and obstructed markets for our fish and oil, calls, in the first place, for serious and timely attention. It will be too late when the seaman shall have changed his vocation, or gone over to another interest. If we cannot recover and secure for him these important branches of employment, it behooves us to replace them by others equivalent. We have three nurseries for forming seamen:

1. Our coasting trade, already on a safe footing.

2. Our fisheries, which, in spite of natural advantages, give just cause of anxiety.

3. Our carrying trade, our only resource of indemnification for what we lose in the other. The produce of the United States, which is carried to foreign markets, is extremely bulky. That part of

it which is now in the hands of foreigners, and which we may resume into our own, without touching the rights of those nations who have met us in fair arrangements by treaty, or the interests of those who, by their voluntary regulations, have paid so just and liberal a respect to our interests, as being measured back to them again, places both parties on as good ground, perhaps, as treaties could place them—the proportion, I say, of our carrying trade, which may be resumed without affecting either of these descriptions of nations, will find constant employment for ten thousand seamen, be worth two millions of dollars, annually, will go on augmenting with the population of the United States, secure to us a full indemnification for the seamen we lose, and be taken wholly from those who force us to this act of self-protection in navigation.

Hence, too, would follow, that their Newfoundland ships, not receiving provisions from us in their bottoms, nor permitted (by a law of their own) to receive in ours, must draw their subsistence from Europe, which would increase that part of their expenses in the proportion of four to seven, and so far operate as a duty towards restoring the level between them and us. The tables No. 2 and 12, will show the quantity of tonnage, and, consequently, the mass of seamen whose interests are in distress; and No. 17, the materials for indemnification.

If regulations exactly the counterpart of those established against us, would be ineffectual, from a

difference of circumstances, other regulations equivalent can give no reasonable ground of complaint to any nation. Admitting their right of keeping their markets to themselves, ours cannot be denied of keeping our carrying trade to ourselves. And if there be anything unfriendly in this, it was in the first example.

The loss of seamen, unnoticed, would be followed by other losses in a long train. If we have no seamen, our ships will be useless, consequently our ship timber, iron, and hemp; our ship building will be at an end, ship carpenters go over to other nations, our young men have no call to the sea, our produce, carried in foreign bottoms, be saddled with war-freight and insurance in times of war; and the history of the last hundred years shows, that the nation which is our carrier has three years of war for every four years of peace. (No. 18.) We lose, during the same periods, the carriage for belligerent powers, which the neutrality of our flag would render an incalculable source of profit; we lose at this moment the carriage of our own produce to the annual amount of two millions of dollars, which, in the possible progress of the encroachment, may extend to five or six millions, the worth of the whole, with an increase in the proportion of the increase of our numbers. It is easier, as well as better, to stop this train at its entrance, than when it shall have ruined or banished whole classes of useful and industrious citizens.

It will doubtless be thought expedient that the resumption suggested should take effect so gradually, as not to endanger the loss of produce for the want of transportation; but that, in order to create transportation, the whole plan should be developed, and made known at once, that the individuals who may be disposed to lay themselves out for the carrying business, may make their calculations on a full view of all circumstances.

On the whole, the historical view we have taken of these fisheries, proves they are so poor in themselves, as to come to nothing with distant nations, who do not support them from their treasury. We have seen that the advantages of our position place our fisheries on a ground somewhat higher, such as to relieve our treasury from giving them support; but not to permit it to draw support from them, nor to dispense the government from the obligation of effectuating free markets for them; that, for the great proportion of our salted fish, for our common oil, and a part of our spermaceti oil, markets may perhaps be preserved, by friendly arrangements towards those nations whose arrangements are friendly to us, and the residue be compensated by giving to the seamen thrown out of business the certainty of employment in another branch, of which we have the sole disposal.

Opinion against the constitutionality of a National Bank.

February 15, 1791.

The bill for establishing a National Bank undertakes among other things:—

1. To form the subscribers into a corporation.

2. To enable them in their corporate capacities to receive grants of land; and so far is against the laws of *Mortmain*.[1]

3. To make alien subscribers capable of holding lands; and so far is against the laws of *alienage*.

4. To transmit these lands, on the death of a proprietor, to a certain line of successors; and so far changes the course of *Descents*.

5. To put the lands out of the reach of forfeiture or escheat; and so far is against the laws of *Forfeiture and Escheat*.

6. To transmit personal chattels to successors in a certain line; and so far is against the laws of *Distribution*.

7. To give them the sole and exclusive right of banking under the national authority; and so far is against the laws of Monopoly.

8. To communicate to them a power to make laws paramount to the laws of the States; for so they must be construed, to protect the institution from

[1] Though the Constitution controls the laws of Mortmain so far as to permit Congress itself to hold land for certain purposes, yet not so far as to permit them to communicate a similar right to other corporate bodies.

the control of the State legislatures; and so, probably, they will be construed.

I consider the foundation of the Constitution as laid on this ground: That "all powers not delegated to the United States, by the Constitution, nor prohibited by it to the States, are reserved to the States or to the people." [XIIth amendment.] To take a single step beyond the boundaries thus specially drawn around the powers of Congress, is to take possession of a boundless field of power, no longer susceptible of any definition.

The incorporation of a bank, and the powers assumed by this bill, have not, in my opinion, been delegated to the United States, by the Constitution.

I. They are not among the powers specially enumerated: for these are: 1st. A power to lay taxes for the purpose of paying the debts of the United States; but no debt is paid by this bill, nor any tax laid. Were it a bill to raise money, its origination in the Senate would condemn it by the Constitution.

2d. "To borrow money." But this bill neither borrows money nor ensures the borrowing it. The proprietors of the bank will be just as free as any other money holders, to lend or not to lend their money to the public. The operation proposed in the bill, first, to lend them two millions, and then to borrow them back again, cannot change the nature of the latter act, which will still be a payment, and not a loan, call it by what name you please.

3d. To "regulate commerce with foreign nations, and among the States, and with the Indian tribes." To erect a bank, and to regulate commerce, are very different acts. He who erects a bank, creates a subject of commerce in its bills; so does he who makes a bushel of wheat, or digs a dollar out of the mines; yet neither of these persons regulates commerce thereby. To make a thing which may be bought and sold, is not to prescribe regulations for buying and selling. Besides, if this was an exercise of the power of regulating commerce, it would be void, as extending as much to the internal commerce of every State, as to its external. For the power given to Congress by the Constitution does not extend to the internal regulation of the commerce of a State, (that is to say of the commerce between citizen and citizen,) which remain exclusively with its own legislature; but to its external commerce only, that is to say, its commerce with another State, or with foreign nations, or with the Indian tribes. Accordingly the bill does not propose the measure as a regulation of trade, but as "productive of considerable advantages to trade." Still less are these powers covered by any other of the special enumerations.

II. Nor are they within either of the general phrases, which are the two following:—

1. To lay taxes to provide for the general welfare of the United States, that is to say, "to lay taxes for *the purpose* of providing for the general welfare."

For the laying of taxes is the *power*, and the general welfare the *purpose* for which the power is to be exercised. They are not to lay taxes *ad libitum for any purpose they please;* but only *to pay the debts or provide for the welfare of the Union.* In like manner, they are not *to do anything they please* to provide for the general welfare, but only to *lay taxes* for that purpose. To consider the latter phrase, not as describing the purpose of the first, but as giving a distinct and independent power to do any act they please, which might be for the good of the Union, would render all the preceding and subsequent enumerations of power completely useless.

It would reduce the whole instrument to a single phrase, that of instituting a Congress with power to do whatever would be for the good of the United States; and, as they would be the sole judges of the good or evil, it would be also a power to do whatever evil they please.

It is an established rule of construction where a phrase will bear either of two meanings, to give it that which will allow some meaning to the other parts of the instrument, and not that which would render all the others useless. Certainly no such universal power was meant to be given them. It was intended to lace them up straitly within the enumerated powers, and those without which, as means, these powers could not be carried into effect. It is known that the very power now proposed *as a means* was rejected as *an end* by the Convention

which formed the Constitution. A proposition was made to them to authorize Congress to open canals, and an amendatory one to empower them to incorporate. But the whole was rejected, and one of the reasons for rejection urged in debate was, that then they would have a power to erect a bank, which would render the great cities, where there were prejudices and jealousies on the subject, adverse to the reception of the Constitution.

2. The second general phrase is, "to make all laws *necessary* and proper for carrying into execution the enumerated powers." But they can all be carried into execution without a bank. A bank therefore is not *necessary*, and consequently not authorized by this phrase.

It has been urged that a bank will give great facility or convenience in the collection of taxes. Suppose this were true: yet the Constitution allows only the means which are "*necessary*," not those which are merely "convenient" for effecting the enumerated powers. If such a latitude of construction be allowed to this phrase as to give any non-enumerated power, it will go to every one, for there is not one which ingenuity may not torture into a *convenience* in some instance *or other*, to *some one* of so long a list of enumerated powers. It would swallow up all the delegated powers, and reduce the whole to one power, as before observed. Therefore it was that the Constitution restrained them to the *necessary* means, that is to say, to those

means without which the grant of power would be nugatory.

But let us examine this convenience and see what it is. The report on this subject, page 3, states the only *general* convenience to be, the preventing the transportation and re-transportation of money between the States and the treasury (for I pass over the increase of circulating medium, ascribed to it as a want, and which, according to my ideas of paper money, is clearly a demerit). Every State will have to pay a sum of tax money into the treasury; and the treasury will have to pay, in every State, a part of the interest on the public debt, and salaries to the officers of government resident in that State. In most of the States there will still be a surplus of tax money to come up to the seat of government for the officers residing there. The payments of interest and salary in each State may be made by treasury orders on the State collector. This will take up the great export of the money he has collected in his State, and consequently prevent the great mass of it from being drawn out of the State. If there be a balance of commerce in favor of that State against the one in which the government resides, the surplus of taxes will be remitted by the bills of exchange drawn for that commercial balance. And so it must be if there was a bank. But if there be no balance of commerce, either direct or circuitous, all the banks in the world could not bring up the surplus of taxes, but in the form of money. Treasury orders

then, and bills of exchange may prevent the displacement of the main mass of the money collected, without the aid of any bank; and where these fail, it cannot be prevented even with that aid.

Perhaps, indeed, bank bills may be a more *convenient* vehicle than treasury orders. But a little *difference* in the degree of *convenience*, cannot constitute the necessity which the constitution makes the ground for assuming any non-enumerated power.

Besides; the existing banks will, without a doubt, enter into arrangements for lending their agency, and the more favorable, as there will be a competition among them for it; whereas the bill delivers us up bound to the national bank, who are free to refuse all arrangement, but on their own terms, and the public not free, on such refusal, to employ any other bank. That of Philadelphia, I believe, now does this business, by their post-notes, which, by an arrangement with the treasury, are paid by any State collector to whom they are presented. This expedient alone suffices to prevent the existence of that *necessity* which may justify the assumption of a non-enumerated power as a means for carrying into effect an enumerated one. The thing may be done, and has been done, and well done, without this assumption; therefore, it does not stand on that degree of *necessity* which can honestly justify it.

It may be said that a bank whose bills would have a currency all over the States, would be more convenient than one whose currency is limited to a

single State. So it would be still more convenient that there should be a bank, whose bills should have a currency all over the world. But it does not follow from this superior conveniency, that there exists anywhere a power to establish such a bank; or that the world may not go on very well without it.

Can it be thought that the Constitution intended that for a shade or two of *convenience*, more or less, Congress should be authorized to break down the most ancient and fundamental laws of the several States; such as those against Mortmain, the laws of Alienage, the rules of descent, the acts of distribution, the laws of escheat and forfeiture, the laws of monopoly? Nothing but a necessity invincible by any other means, can justify such a prostitution of laws, which constitute the pillars of our whole system of jurisprudence. Will Congress be too straitlaced to carry the Constitution into honest effect, unless they may pass over the foundation-laws of the State government for the slightest convenience of theirs?

The negative of the President is the shield provided by the Constitution to protect against the invasions of the legislature: 1. The right of the Executive. 2. Of the Judiciary. 3. Of the States and State legislatures. The present is the case of a right remaining exclusively with the States, and consequently one of those intended by the Constitution to be placed under its protection.

It must be added, however, that unless the President's mind on a view of everything which is urged for and against this bill, is tolerably clear that it is unauthorized by the Constitution; if the pro and the con hang so even as to balance his judgment, a just respect for the wisdom of the legislature would naturally decide the balance in favor of their opinion. It is chiefly for cases where they are clearly misled by error, ambition, or interest, that the Constitution has placed a check in the negative of the President.

Opinion relative to locating the Ten Mile Square for the Federal Government, and building the Federal city.

March 11, 1791.

Objects which may merit the attention of the President, at Georgetown.

The commissioners to be called into action.

Deeds of cession to be taken from the land-holders.

Site of the capitol and President's house to be determined on.

Proclamation completing the location of the territory, and fixing the site of the capitol.

Town to be laid off. Squares of reserve are to be decided on for the capitol, President's house, offices of government, town-house, prison, market, and public walks.

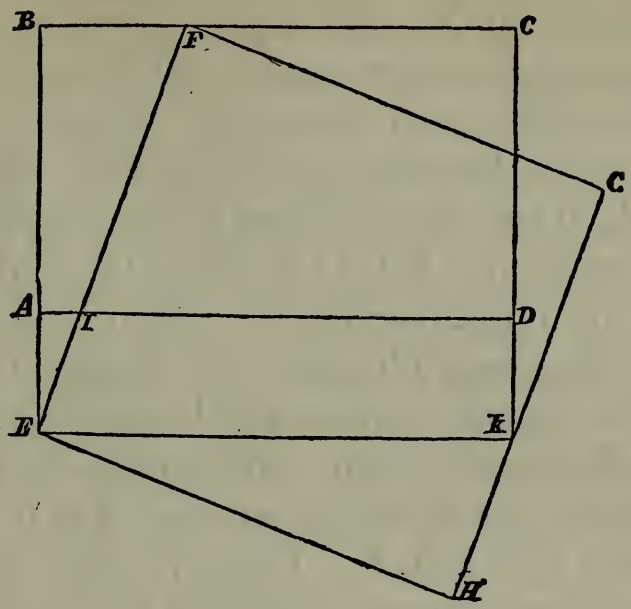
Other squares for present sale designated.

Terms of sale to be settled. As there is not as yet

a town legislature, and things may be done before there is one to prevent them, which yet it would be desirable to prevent, it would seem justifiable and expedient that the President should form a capitulary of such regulations as he may think necessary to be observed, until there shall be a town legislature to undertake this office; such capitulary to be indented, signed, sealed, and recorded, according to the laws of conveyance in Maryland. And to be referred to in every deed for conveyance of the lots to purchasers, so as to make a part thereof. The same thing might be effected, by inserting special covenants for every regulation in every deed; but the former method is the shortest. I cannot help again suggesting here one regulation formerly suggested, to wit: To provide for the extinguishment of fires, and the openness and convenience of the town, by prohibiting houses of excessive height. And making it unlawful to build on any one's purchase any house with more than two floors between the common level of the earth and the eaves, nor with any other floor in the roof than one at the eaves. To consider in what way the contracts for the public buildings shall be made, and whether as many bricks should not be made this summer as may employ brick-layers in the beginning of the season of 1792, till more can be made in that season.

With respect to the amendment of the location so as to include Bladensburgh, I am of opinion it may be done with the consent of the legislature of Mary-

land, and that that consent may be so far counted on, as to render it expedient to declare the location at once.



The location of A B C D A having been once made, I consider as obligatory and unalterable, but by consent of parties, except so far as was necessary to render it practicable by a correction of the beginning. That correction might be lawfully made either by stopping at the river, or at the spring of Hunting creek, or by lengthening the course from the court-house so that the second course should strike the mouth of Hunting creek. I am of opinion, therefore, that the beginning at the mouth of Hunting creek, is legally justifiable. But I would advise the location E F G H E to be hazarded so as to include Bladensburgh, because it is a better location, and I think will certainly be confirmed by Maryland.

That State will necessarily have to pass another act confirming whatever location shall be made, because her former act authorized the delegates *then* in office, to convey the lands. But as they were not located, no conveyance has been made, and those persons are now out of office, and dispersed. Suppose the non-concurrence of Maryland should defeat the location E F G H E, it can only be done on this principle, that the first location A B C D A was valid, and unalterable, but by mutual consent. Then their non-concurrence will re-establish the first location A B C D A, and the second location will be good for the part E I D K E without their concurrence, and this will place us where we should be were we now to complete the location E B C K E. Consequently, the experiment of an amendment proposed can lose nothing, and may gain, and probably will gain, the better location.

When I say it can lose nothing, I count as nothing, the triangle A I E, which would be in neither of the locations. Perhaps this might be taken in afterwards, either with or without the consent of Virginia.

Report on the policy of securing particular marks to Manufacturers, by law.

December 9, 1791.

The Secretary of State, to whom was referred by the House of Representatives the petition of Samuel

Breck and others, proprietors of a sail-cloth manufactory in Boston, praying that they may have the exclusive privilege of using particular marks for designating the sail-cloth of their manufactory, has had the same under consideration, and thereupon

Reports, That it would, in his opinion, contribute to fidelity in the execution of manufacturers, to secure to every manufactory an exclusive right to some mark on its wares, proper to itself.

That this should be done by general laws, extending equal right to every case to which the authority of the legislature should be competent.

That these cases are of divided jurisdiction: Manufactures made and consumed within a State being subject to State legislation, while those which are exported to foreign nations, or to another State, or into the Indian Territory, are alone within the legislation of the General Government.

That it will, therefore, be reasonable for the General Government to provide in this behalf by law for those cases of manufacture generally, and those only which relate to commerce with foreign nations, and among the several States, and with the Indian Tribes.

And that this may be done by permitting the owner of every manufactory, to enter in the records of the court of the district wherein his manufactory is, the name with which he chooses to mark or designate his wares, and rendering it penal in others to put the same mark to any other wares.

Opinion relative to the demolition of Mr. Carroll's house by Major L'Enfant, in laying out the Federal city.

December 11, 1791.

Observations on Major L'Enfant's letter of December 7th, 1791, to the President, justifying his demolition of the house of Mr. Carroll, of Duddington.

He says that "Mr. Carroll erected his house partly on a main street, and altogether on ground to which the public had a more immediate title than himself could claim." When blaming Mr. Carroll, then, he considers this as a street; but when justifying himself, he considers it not yet as a street, for to account for his not having pointed out to Carroll a situation where he might build, he says, "The President had not yet sanctioned the plan for the distribution of the city, nor determined if he would approve the situation of the several areas proposed to him in that plan for public use, and that I would have been highly to be blamed to have anticipated his opinion thereon." This latter exculpation is solid; the first is without foundation. The plan of the city has not yet been definitely determined by the President. Sale to individuals, or partition, decide the plan as far as these sales or partitions go. A deed with the whole plan annexed, executed by the President, and recorded, will ultimately fix it. But till a sale, or partition, or deed, it is open to alteration. Consequently, there is as yet no such thing as a street,

except adjacent to the lots actually sold or divided; the erection of a house in any part of the ground cannot as yet be a nuisance in law. Mr. Carroll is tenant in common of the soil with the public, and the erection of a house by a tenant in common on the common property, is no nuisance. Mr. Carroll has acted imprudently, intemperately, foolishly; but he has not acted illegally. There must be an establishment of the streets, before his house can become a nuisance in the eye of the law. Therefore, till that establishment, neither Major L'Enfant, nor the commissioners, would have had a right to demolish his house, without his consent.

The Major says he had as much right to pull down a house, as to cut down a tree.

This is true, if he has received no authority to do either, but still there will be this difference: To cut down a tree or to demolish a house in the soil of another, is a trespass; but the cutting a tree, in this country, is so slight a trespass, that a man would be thought litigious who should prosecute it; if he prosecuted civilly, a jury would give small damages; if criminally, the judge would not inflict imprisonment, nor impose but a small fine. But the demolition of a house is so gross a trespass, that any man would prosecute it; if civilly, a jury would give great damages; if criminally, the judge would punish heavily by fine and imprisonment. In the present case, if Carroll was to bring a civil action, the jury would probably punish his folly by small dam-

ages; but if he were to prosecute criminally, the judge would as probably vindicate the insult on the laws, and the breach of the peace, by heavy fines and imprisonment. So that if Major L'Enfant is right in saying he had as much authority to pull down a house as to cut down a tree, still he would feel a difference in the punishment of the law.

But is he right in saying he had as much authority to pull down a house as to cut down a tree? I do not know what have been the authorities given him expressly or by *implication*, but I can very readily conceive that the authorities which he has received, whether from the President or from the commissioners, whether verbal or written, may have gone to the demolition of trees, and not houses. I am sure he has received no authority, either from the President or commissioners, either expressly or by implication, to pull down houses. An order to him to mark on the ground the lines of the streets and lots, might imply an order to remove trees or *small* obstructions, *where they insuperably prevented his operations;* but a person must know little of geometry who could not, in an open field, designate streets and lots, even where a line passed through a house, without pulling the house down.

In truth, the blame on Major L'Enfant, is for having pulled down the house, of his own authority, and when he had reason to believe he was in opposition to the sentiments of the President; and his fault is aggravated by its having been done to gratify private

resentment against Mr. Carroll, and most probably not because it was necessary; and the style in which he writes the justification of his act, shows that a continuation of the same resentment renders him still unable to acquiesce under the authority from which he has been reproved.

He desires a line of demarcation between his office, and that of the commissioners.

What should be this line? and who is to draw it? If we consider the matter under the *act of Congress* only, the President has authority only to name the commissioners, and to approve or disapprove certain proceedings of theirs. They have the whole executive power, and stand between the President and the subordinate agents. In this view, they may employ or dismiss, order and countermand, take on themselves such parts of the execution as they please, and assign other parts to subordinate agents. Consequently, under the *act of Congress*, their will is the line of demarcation between subordinate agents, while no such line can exist between themselves and their agents. Under the deed from the proprietors to the President, his powers are much more ample. I do not accurately recollect the tenor of the deed; but I am pretty sure it was such as to put much more ample power into the hands of the President, and to commit to him the whole execution of whatever is to be done under the deed; and this goes particularly to the laying out the town: so that as to this, the President is certainly authorized to draw

the line of demarcation between L'Enfant and the commissioners. But I believe there is no necessity for it, as far as I have been able to judge, from conversations and consultations with the commissioners. I think they are disposed to follow implicitly the will of the President, whenever they can find it out; but L'Enfant's letters do not breathe the same moderation or acquiescence; and I think it would be much safer to say to him, "the orders of the commissioners are your line of demarcation," than by attempting to define his powers, to give him a line where he may meet with the commissioners foot to foot, and chicane and raise opposition to their orders whenever he thinks they pass his line. I confess, that on a view of L'Enfant's proceedings and letters latterly, I am thoroughly persuaded that, to render him useful, his temper must be subdued; and that the only means of preventing his giving constant trouble to the President, is to submit him to the unlimited control of the commissioners; we know the discretion and forbearance with which they will exercise it.

Opinion relative to certain lands on Lake Erie, sold by the United States to Pennsylvania.

December 19, 1791.

The Secretary of State, to whom was referred, by the President of the United States, a letter from the Governor of Pennsylvania, with the documents

therein mentioned, on the subject of certain lands on Lake Erie, having had the same under consideration, thereupon Reports:—

That Congress, by their resolution of June 6th, 1788, directed the Geographer General of the United States to ascertain the quantity of land belonging to the United States between Pennsylvania and Lake Erie, and authorized a sale thereof.

That a sale was accordingly made to the commonwealth of Pennsylvania.

That Congress, by their resolution of September 4th, 1788, relinquished to the said commonwealth all their right to the government and jurisdiction of the said tract of land; but the right of soil was not transferred by the resolution.

That a survey of the said tract has been since made, and the amount of the purchase money been settled between the comptrollers of the United States and of the said commonwealth, and that the Governor of Pennsylvania declares in the said letter, to the President of the United States, that he is ready to close the transaction on behalf of the said commonwealth. That there is no person at present authorized, by law, to convey to the said commonwealth the right of soil, in the said tract of land.

And the Secretary of State is therefore of opinion that the said letter and documents should be laid before the legislature of the United States to make such provision by law for conveying the said right of soil, as they in their wisdom shall think fit.

Report relative to negotiations with Spain to secure the free navigation of the Mississippi, and a port on the same.

December 22, 1791.

The Secretary of State reports to the President of the United States, that one of the commissioners of Spain, in the name of both, has lately communicated to him verbally, by order of his court, that his Catholic Majesty, apprized of our solicitude to have some arrangement made respecting our free navigation of the river Mississippi, and the use of a port thereon, is ready to enter into treaty thereon at Madrid.

The Secretary of State is of opinion that this overture should be attended to without delay, and that the proposal of treating at Madrid, though not what might have been desired, should yet be accepted, and a commission plenipotentiary made out for the purpose.

That Mr. Carmichael, the present Chargé des Affaires of the United States at Madrid, from the local acquaintance which he must have acquired with persons and circumstances, would be an useful and proper member of the commission; but that it would be useful also to join with him some person more particularly acquainted with the circumstances of the navigation to be treated of.

That the fund appropriated by the act providing the means of intercourse between the United States

and foreign nations, will insufficiently furnish the ordinary and regular demands on it, and is consequently inadequate to the mission of an additional commissioner express from hence.

That, therefore, it will be advisable, on this account, as well as for the sake of despatch, to constitute some one of the ministers of the United States in Europe, jointly with Mr. Carmichael, commissioners plenipotentiary for the special purpose of negotiating and concluding, with any person or persons duly authorized by his Catholic Majesty, a convention or treaty for the free navigation of the river Mississippi by the citizens of the United States, under such accommodations with respect to a port, and other circumstances, as may render the said navigation practicable, useful, and free from dispute; saving to the President and Senate their respective rights as to their ratification of the same; and that the said negotiation be at Madrid, or such other place in Spain, as shall be desired by his Catholic Majesty.

March 18, 1792.

The appointment of Mr. Carmichael and Mr. Short, as commissioners to negotiate, with the court of Spain, a treaty or convention relative to the navigation of the Mississippi, and which perhaps may be extended to other interests, rendering it necessary that the subjects to be treated of should be developed, and the conditions of arrangement explained:

The Secretary of State reports to the President of the United States the following observations on the subjects of negotiation between the United States of America and the court of Spain, to be communicated by way of instruction to the commissioners of the United States, appointed as before mentioned, to manage that negotiation.

These subjects are,

I. Boundary.

II. The navigation of the Mississippi.

III. Commerce.

1. As to boundary, that between Georgia and Florida is the only one which will need any explanation. Spain sets up a claim to possessions within the State of Georgia, founded on her having rescued them by force from the British during the late war. The following view of the subject seems to admit no reply:

The several States now comprising the United States of America, were, from their first establishment, separate and distinct societies, dependent on no other society of men whatever. They continued at the head of their respective governments the executive magistrate who presided over the one they had left, and thereby secured, in effect, a constant amity with the nation. In this stage of their government their several boundaries were fixed; and particularly the southern boundary of Georgia, the only one now in question, was established at the 31st degree of latitude from the Appalachicola westwardly; and

the western boundary, originally the Pacific Ocean, was, by the treaty of Paris, reduced to the middle of the Mississippi. The part which our chief magistrate took in a war, waged against us by the nation among whom he resided, obliged us to discontinue him, and to name one within every State. In the course of this war we were joined by France as an ally, and by Spain and Holland as associates; having a common enemy, each sought that common enemy wherever they could find him. France, on our invitation, landed a large army within our territories, continued it with us two years, and aided us in recovering sundry places from the possession of the enemy. But she did not pretend to keep possession of the places rescued. Spain entered into the remote western part of our territory, dislodged the common enemy from several of the posts they held therein, to the annoyance of Spain; and perhaps thought it necessary to remain in some of them, as the only means of preventing their return. We, in like manner, dislodged them from several posts in the same western territory, to wit: Vincennes, Cahokia, Kaskaskia, &c., rescued the inhabitants, and retained constantly afterwards both them and the territory under our possession and government. At the conclusion of the war, Great Britain, on the 30th of November, 1782, by treaty acknowledged our independence, and our boundary, to wit: the Mississippi to the west, and the completion of the 31st degree, &c., to the south. In her treaty with

Spain, concluded seven weeks afterwards, to wit: January 20th, 1783, she ceded to her the two Floridas, which had been defined in the proclamation of 1763, and Minorca; and by the eighth article of the treaty, Spain agreed to restore, *without compensation*, all the territories conquered by her, and not included in the treaty, either under the head of cessions or restitutions, that is to say, all except Minorca and the Floridas. According to this stipulation, Spain was expressly bound to have delivered up the possessions she had taken within the limits of Georgia, to Great Britain, if they were conquests on Great Britain, who was to deliver them over to the United States; or rather, she should have delivered them to the United States themselves, as standing *quoad hoc* in the place of Great Britain. And she was bound by natural rights to deliver them to the same United States on a much stronger ground, as the real and only proprietors of those places which she had taken possession of in a moment of danger, without having had any cause of war with the United States, to whom they belonged, and without having declared any; but, on the contrary, conducting herself in other respects as a friend and associate. *Vattel*, 1. 3, 122.

It is an established principle, that conquest gives only an inchoate treaty of peace, which does not become perfect till confirmed by the treaty of peace, and by a renunciation or abandonment by the former proprietor. Had Great Britain been that

former proprietor, she was so far from confirming to Spain the right to the territory of Georgia, invaded by Spain, that she expressly relinquished to the United States any right that might remain in her; and afterwards completed that relinquishment, by procuring and consolidating with it the agreement of Spain herself to restore such territory without compensation. It is still more palpable, that a war existing between two nations, as Spain and Great Britain, could give to neither the right to seize and appropriate the territory of a third, which is even neutral, much less which is an associate in the war, as the United States were with Spain. See, on this subject, *Grotius*, 1. 3, c. 6, § 26. *Puffendorf*, 1. 8, c. 17, § 23. *Vattel*, 1. 3, § 197, 198.

On the conclusion of the general peace, the United States lost no time in requiring from Spain an evacuation of their territory. This has been hitherto delayed by means which we need not explain to that court, but which have been equally contrary to our right and to our consent.

Should Spain pretend, as has been intimated, that there was a secret article of treaty between the United States and Great Britain, agreeing, if at the close of the war the latter should retain the Floridas, that then the southern boundary of Georgia should be the completion of the 32d degree of latitude, the commissioners may safely deny all knowledge of the fact, and refuse conference on any such postulatum. Or, should they find it necessary to enter into any

argument on the subject, they will of course do it hypothetically; and in that way may justly say, on the part of the United States; suppose that the United States, exhausted by a bloody and expensive war with Great Britain, might have been willing to have purchased peace by relinquishing, under a particular contingency, a small part of their territory, it does not follow that the same United States, recruited and better organized, must relinquish the same territory to Spain without striking a blow. The United States, too, have irrevocably put it out of their power to do it, by a new constitution, which guarantees every State against the invasion of its territory. A disastrous war, indeed, might, by necessity, supersede this stipulation, (as necessity is above all law,) and oblige them to abandon a part of a State; but nothing short of this can justify or obtain such an abandonment.

The southern limits of Georgia depend chiefly on,

1. The charter of Carolina to the lords proprietors, in 1663, extending southwardly to the river Matheo, now called St. John, supposed in the charter to be in latitude 31, and so west in a direct line as far as the South Sea. See the charter in 4th[1] Memoires de l'Amerique, 554.

2. On the proclamation of the British King, in 1763, establishing the boundary between Georgia

[1] Mr. Short is desired to purchase this book at Amsterdam, or Paris, as he may not find it at Madrid, and when it shall have answered the purposes of this mission, let it be sent here for the use of the Secretary of State's office.

and the two Floridas to begin on the Mississippi, in thirty-one degrees of latitude north of the equator, and running eastwardly to the Appalachicola; thence, along the said river to the mouth of the Flint; thence, in a direct line, to the source of St. Mary's river, and down the same to the ocean. This proclamation will be found in Postlethwayte voce "British America."

3. On the treaties between the United States and Great Britain, of November 30, 1782, and September 3, 1783, repeating and confirming these ancient boundaries,—

There was an intermediate transaction, to wit: a convention concluded at the Pardo, in 1739, whereby it was agreed that Ministers Plenipotentiary should be immediately appointed by Spain and Great Britain for settling the limits of Florida and Carolina. The convention is to be found in the collections of treaties. But the proceedings of the Plenipotentiaries are unknown here. *Qu.* If it was on that occasion that the southern boundary of Carolina was transferred from latitude of Matheo or St. John's river further north to the St. Mary's ? Or was it the proclamation of 1763, which first removed this boundary? [If the commissioners can procure in Spain a copy of whatever was agreed on in consequence of the convention of the Pardo, it is a desirable State paper here.]

To this demonstration of our rights may be added the explicit declaration of the court of Spain, that

she would accede to them. This took place in conversations and correspondence thereon between Mr. Jay, Minister Plenipotentiary for the United States at the court at Madrid, the Marquis de La Fayette, and the Count de Florida Blanca. Monsieur de La Fayette, in his letter of February 19, 1783, to the Count de Florida Blanca, states the result of their conversations on limits in these words: "With respect to limits, his Catholic Majesty has adopted those that are determined by the preliminaries of the 30th of November, between the United States and the court of London." The Count de Florida Blanca, in his answer of February 22d, to M. de La Fayette, says, "although it is his Majesty's intention to abide for the present by the limits established by the treaty of the 30th of November, 1782, between the English and the Americans, the King intends to inform himself particularly whether it can be in any ways inconvenient or prejudicial to settle that affair amicably with the United States;" and M. de La Fayette, in his letter of the same day to Mr. Jay, wherein he had inserted the preceding, says, "on receiving the answer of the Count de Florida Blanca, (to wit: his answer, before mentioned, to M. de La Fayette,) I desired an explanation respecting the addition that relates to the limits. I was answered, that it was a fixed principle to abide by the limits established by the treaty between the English and the Americans; that his remark related only to mere unimportant details, which he wished to receive from the Spanish

commandants, which would be amicably regulated, and *would by no means oppose the general principle.* I asked him, before the Ambassador of France, [M. de Montmorin,] whether he would give me his word of honor for it; he assured me he would, and that I might engage it to the United States." See the report sent herewith.

II.—The navigation of the Mississippi.

Our right to navigate that river, from its source to where our southern boundary strikes it, is not questioned. It is from that point downwards, only, that the exclusive navigation is claimed by Spain; that is to say, where she holds the country on both sides; to wit: Louisiana on the west, and Florida on the east.

Our right to participate in the navigation of that part of the river, also, is to be considered, under

1. The Treaty of Paris of 1763.
2. The Revolution Treaty of 1782–3.
3. The law of nature and nations.

1. The war of 1755–1763, was carried on jointly by Great Britain and the thirteen colonies, now the United States of America, against France and Spain. At the peace which was negotiated by our common magistrate, a right was secured to the subjects of Great Britain (the common designation of all those under his government) to navigate the Mississippi in its whole breadth and length, from its source to the sea, and expressly that part which is between the island of New Orleans and the right bank of the

river, as well as the passage both in and out of its mouth; and that the vessels should not be stopped, visited, or subjected to the payment of any duty whatsoever. These are the words of the treaty, article VII. Florida was at the same time ceded by Spain, and its extent westwardly was fixed to the lakes Pontchartrain and Maurepas, and the river Mississippi; and Spain received soon after from France a cession of the island of New Orleans, and all the country she held westward of the Mississippi, subject of course to our right of navigating between that country and the island previously granted to us by France. This right was not parcelled out to us in severalty, that is to say, to each the exclusive navigation of so much of the river as was adjacent to our several shores—in which way it would have been useless to all—but it was placed on that footing on which alone it could be worth anything, to wit: as a right to all to navigate the whole length of the river in common. The import of the terms and the reason of the thing prove it was a right of common in the whole, and not a several right to each of a particular part. To which may be added the evidence of the stipulation itself, that we should navigate between New Orleans and the western bank, which, being adjacent to none of our States, could be held by us only as a right of common. Such was the nature of our right to navigate the Mississippi, as far as established by the Treaty of Paris.

2. In the course of the Revolutionary war, in

which the thirteen colonies, Spain, and France, were opposed to Great Britain, Spain took possession of several posts held by the British in Florida. It is unnecessary to inquire whether the possession of half a dozen posts scattered through a country of seven or eight hundred miles extent, could be considered as the possession and conquest of that country. If it was, it gave still but an inchoate right, as was before explained, which could not be perfected but by the relinquishment of the former possession at the close of the war; but certainly it could not be considered as a conquest *of the river*, even against Great Britain, since the possession of the shores, to wit, of the island of New Orleans on the one side, and Louisiana on the other, having undergone no change, the right in the water would remain the same, if considered only in its relation to them; and if considered as a distinct right, independent of the shores, then no naval victories obtained by Spain over Great Britain, in the course of the war, gave her the color of conquest over any water which the British fleet could enter. Still less can she be considered as having conquered the river, as against the United States, with whom she was not at war. We had a common right of navigation in the part of the river between Florida, the island of New Orleans, and the western bank, and nothing which passed between Spain and Great Britain, either during the war, or at its conclusion, could lessen that right. Accordingly, at the treaty of

November, 1782, Great Britain confirmed the rights of the United States to the navigation of the river, from its source to its mouth, and in January, 1783, completed the right of Spain to the territory of Florida, by an absolute relinquishment of all her rights in it. This relinquishment could not include the navigation held by the United States in their own right, because this right existed in themselves only, and was not in Great Britain. If it added anything to the rights of Spain respecting the river between the eastern and western banks, it could only be that portion of right which Great Britain had retained to herself in the treaty with the United States, held seven weeks before, to wit, a right of using it in common with the United States.

So that as by the treaty of 1763, the United States had obtained a common right of navigating the whole river from its source to its mouth, so by the treaty of 1782, that common right was confirmed to them by the only power who could pretend claims against them, founded on the state of war; nor has that common right been transferred to Spain by either conquest or cession.

But our right is built on ground still broader and more unquestionable, to wit:

3. On the law of nature and nations.

If we appeal to this, as we feel it written on the heart of man, what sentiment is written in deeper characters than that the ocean is free to all men, and their rivers to all their inhabitants? Is there a

man, savage or civilized, unbiased by habit, who does not feel and attest this truth? Accordingly, in all tracts of country united under the same political society, we find this natural right universally acknowledged and protected by laying the navigable rivers open to all their inhabitants. When their rivers enter the limits of another society, if the right of the upper inhabitants to descend the stream is in any case obstructed, it is an act of force by a stronger society against a weaker, condemned by the judgment of mankind. The late case of Antwerp and the Scheldt was a striking proof of a general union of sentiment on this point; as it is believed that Amsterdam had scarcely an advocate out of Holland, and even there its pretensions were advocated on the ground of treaties, and not of natural right. (The commissioners would do well to examine thoroughly what was written on this occasion.) The commissioners will be able perhaps to find, either in the practice or the pretensions of Spain, as to the Dauro, Tagus, and Guadiana, some acknowledgments of this principle on the part of that nation. This sentiment of right in favor of the upper inhabitants must become stronger in the proportion which their extent of country bears to the lower. The United States hold 600,000 square miles of habitable territory on the Mississippi and its branches, and this river and its branches afford many thousands of miles of navigable waters penetrating this territory in all its parts. The inhabitable grounds of

Spain below our boundary and bordering on the river, which alone can pretend any fear of being incommoded by our use of the river, are not the thousandth part of that extent. This vast portion of the territory of the United States has no other outlet for its productions, and these productions are of the bulkiest kind. And in truth, their passage down the river may not only be innocent, as to the Spanish subjects on the river, but cannot fail to enrich them far beyond their present condition. The real interests then of all the inhabitants, upper and lower, concur in fact with their rights.

If we appeal to the law of nature and nations, as expressed by writers on the subject, it is agreed by them, that, were the river, where it passes between Florida and Louisiana, the exclusive right of Spain, still an innocent passage along it is a natural right in those inhabiting its borders above. It would indeed be what those writers call an imperfect right, because the modification of its exercise depends in a considerable degree on the conveniency of the nation through which they are to pass. But it is still a right as real as any other right, however well-defined; and were it to be refused, or to be so shackled by regulations, not necessary for the peace or safety of its inhabitants, as to render its use impracticable to us, it would then be an injury, of which we should be entitled to demand redress. The right of the upper inhabitants to use this navigation is the counterpart to that of those possessing the shore

below, and founded in the same natural relations with the soil and water. And the line at which their rights meet is to be advanced or withdrawn, so as to equalize the inconveniences resulting to each party from the exercise of the right by the other. This estimate is to be fairly made with a mutual disposition to make equal sacrifices, and the numbers on each side are to have their due weight in the estimate. Spain holds so very small a tract of habitable land on either side below our boundary, that it may in fact be considered as a strait of the sea; for though it is eighty leagues from our boundary to the mouth of the river, yet it is only here and there in spots and slips that the land rises above the level of the water in times of inundation. There are, then, and ever must be, so few inhabitants on her part of the river, that the freest use of its navigation may be admitted to us without their annoyance. For authorities on this subject, see Grot. 1. 2. c. 2 § 11, 12, 13, c. 3. § 7, 8, 12. Puffendorf, 1. 3. c. 3. § 3, 4, 5, 6. Wolff's Inst. § 310, 311, 312. Vattel, 1. 1. § 292. 1. 2. § 123 to 139.

It is essential to the interests of both parties that the navigation of the river be free to both, on the footing on which it was defined by the Treaty of Paris, viz.: through its whole breadth. The channel of the Mississippi is remarkably winding, crossing and recrossing perpetually from one side to

the other of the general bed of the river. Within the elbows thus made by the channel, there is generally an eddy setting upwards, and it is by taking advantage of these eddies, and constantly crossing from one to another of them, that boats are enabled to ascend the river. Without this right the whole river would be impracticable both to the Americans and Spaniards.

It is a principle that the right to a thing gives a right to the means, without which it could not be used, that is to say, that the means follow their end. Thus, a right to navigate a river, draws to it a right to moor vessels to its shores, to land on them in cases of distress, or for other necessary purposes, &c. This principle is founded in natural reason, is evidenced by the common sense of mankind, and declared by the writers before quoted. See Grot. l. 2. c. 2. § 15. Puffend. l. 3. c. 3. § 8. Vattel, l. 2. § 129.

The Roman law, which, like other municipal laws, placed the navigation of their rivers on the footing of nature, as to their own citizens, by declaring them public,[1] (flumina publica sunt, hoc est populi Romani, Inst. 2. t. 1. § 2,) declared also that the right to the use of the shores was incident to that of the water. Ibid, § 1, 3, 4, 5. The laws of every country probably do the same. This must have been so understood between France and Great Britain, at the

[1] Rivers belong to the public, that is to say to the Roman people.

treaty of Paris, when a right was ceded to British subjects to navigate the whole river, and expressly that part between the island of New Orleans and the western bank, without stipulating a word about the use of the shores, though both of them belonged then to France, and were to belong immediately to Spain. Had not the use of the shores been considered as incident to that of the water, it would have been expressly stipulated; since its necessity was too obvious to have escaped either party. Accordingly, all British subjects used the shores habitually for the purposes necessary to the navigation of the river; and when a Spanish governor undertook at one time to forbid this, and even cut loose the vessels fastening to their shores, a British frigate went immediately, moored itself to the shore opposite to the town of New Orleans, and set out guards with orders to fire on such as might attempt to disturb her moorings. The governor acquiesced, the right was constantly exercised afterwards, and no interruption ever offered.

This incidental right extends even beyond the shores, when circumstances render it necessary to the exercise of the principal right; as, in the case of a vessel damaged, where the mere shore could not be a safe deposit for her cargo till she could be repaired, she may remove it into safe ground off the river. The Roman law shall be quoted here too, because it gives a good idea both of the extent and the limitations of this right. Ins. l. 2. t. 1. § 4.

[1] "Riparum quoque usus publicus est, ut volunt jura gentium, sicut et ipsius fluminis usus publicus est. Itaque et navigium ad ripes appellere, et funes de arboribus ibi natis religare, et navis onera in his locis reponere, liberum quique est sicuti nec per flumen ipsum navigare quisquam prohibetur." And again, § 5, [2] "littorum quoque usus publicus, sive juri gentium est, ut et ipsius maris et ob id data est facultas volentibus, casas ibi sibi componere, in quas se recipere possint," &c. Again, § 1. [3] "Nemo igitur ad littora maris accedere prohibitur; veluti deambulare aut navem appellere, sic tamen ut a villis, id est domiciliis monumentisque ibi positis, et ab edificiis abstineat, nec iis damnum inferat."

Among incidental rights are those of having pilots, buoys, beacons, landmarks, light-houses, &c., to guide the navigators. The establishment of these at joint expense, and under joint regulations, may be the subject of a future convention. In the meantime, both should be free to have their own,

[1] "The use of the banks belong also to the public by the laws of nations, as the use of the river itself does. Therefore, every one is free to moor his vessel to the bank, to fasten his cables to the trees growing on it, to deposit the cargo of his vessel in those places in like manner as every one is free to navigate the river itself."

[2] "The use of the shores also belongs to the public, or is under the law of nations, as is that of the sea itself. Therefore it is, that those who choose, have a right to build huts there, into which they may betake themselves."

[3] "Nobody, therefore, is prohibited from landing on the sea shore, walking there, or mooring their vessel there, so nevertheless that they keep out of the villas, that is, the habitations, monuments, and public buildings, erected there, and do them no injury."

and refuse those of the other, both as to use and expense.

Very peculiar circumstances attending the river Mississippi, require that the incidental right of accommodation on the shore, which needs only occasional exercise on other rivers, should be habitual and constant on this. Sea vessels cannot navigate that river, nor the river vessels go to sea. The navigation would be useless then without an entrepôt where these vessels might safely deposit their own cargoes, and take those left by the others; and where warehouses and keepers might be constantly established for the safeguard of the cargoes. It is admitted, indeed, that the incidental right thus extended into the territory of the bordering inhabitants, is liable to stricter modifications in proportion as it interferes with their territorial right. But the inconveniences of both parties are still to have their weight, and reason and moderation on both sides are to draw the line between them. As to this, we count much on the liberality of Spain, on her concurrence in opinion with us, that it is for the interest of both parties to remove completely this germ of discord from between us, and draw our friendship as close as circumstances proclaim that it should be, and on the considerations which make it palpable that a convenient spot placed under our exclusive occupation, and exempted from the jurisdiction and police of their government, is far more likely to preserve peace than a mere free port, where eternal

altercations would keep us in eternal ill humor with each other. The policy of this measure, and indeed of a much larger concession, having been formerly sketched in a paper of July 12th, 1790, sent to the commissioners severally, they are now referred to that.

If this be agreed to, the manner of fixing on that extra territorial spot becomes highly interesting. The most desirable to us, would be a permission to send commissioners to choose such spot, below the town of New Orleans, as they should find most convenient.

If this be refused, it would be better now to fix on the spot. Our information is, that the whole country below the town, and for sixty miles above it, on the western shore, is low, marshy, and subject to such deep inundation for many miles from the river, that if capable of being reclaimed at all by banking, it would still never afford an entrepôt sufficiently safe; that on the eastern side the only lands below the town, not subject to inundation, are at the Detour aux Anglais, or English Turn, the highest part of which, is that whereon the fort St. Marie formerly stood. Even this is said to have been raised by art, and to be very little above the level of the inundations. This spot then is what we would fix on, if obliged now to decide, with from one to as many square miles of the circumjacent lands as can be obtained, and comprehending expressly the shores above and below the site of the fort as far as possible.

But as to the spot itself, the limits, and even whether it shall be extra territorial, or only a free port, and what regulations it shall be laid under, the convenience of that Government is entitled to so much respect and attention on our part, that the arrangement must be left to the management of the commissioners, who will doubtless use their best efforts to obtain all they can for us.

The worst footing on which the determination of the ground could be placed, would be a reference to joint commissioners; because their disagreement, a very probable, nay, a certain event, would undo the whole convention, and leave us exactly where we now are. Unless indeed they will engage to us, in case of such disagreement, the highest ground at the Detour aux Anglais, of convenient extent, including the landings and harbor thereto adjacent. This would ensure us that ground, unless better could be found and mutually preferred, and close the delay of right under which we have so long labored for peace-sake.

It will probably be urged, because it was urged on a former occasion, that, if Spain *grants* to us the right of navigating the Mississippi, other nations will become entitled to it by virtue of treaties giving them the rights of the *most favored nation.*

Two answers may be given to this:

1. When those treaties were made, no nations could be under contemplation but those then existing, or those at most who might exist under similar

circumstances. America did not then exist as a nation; and the circumstances of her position and commerce, are so totally dissimilar to everything then known, that the treaties of that day were not adapted to any such being. They would better fit even China than America; because, as a manufacturing nation, China resembles Europe more. When we solicited France to admit our whale oils into her ports, though she had excluded all foreign whale oils, her minister made the objection now under consideration, and the foregoing answer was given. It was found to be solid; and the whale oils of the United States are in consequence admitted, though those of Portugal and the Hanse towns, and of all other nations, are excluded. Again, when France and England were negotiating their late treaty of commerce, the great dissimilitude of our commerce (which furnishes raw materials to employ the industry of others, in exchange for articles whereon industry has been exhausted) from the commerce of the European nations (which furnishes things ready wrought only) was suggested to the attention of both negotiators, and that they should keep their nations free to make particular arrangements with ours, by communicating to each other only the rights of the most favored European nation. Each was separately sensible of the importance of the distinction; and as soon as it was proposed by the one, it was acceded to by the other, and the word *European* was inserted in their treaty. It may

fairly be considered then as the rational and received interpretation of the diplomatic term, "gentis amicissimæ,"[1] that it has not in view a nation unknown in many cases at the time of using the term, and so dissimilar in all cases as to furnish no ground of just reclamation to any nation.

But the decisive answer is, that Spain does not grant us the navigation of the river. We have an inherent right to it; and she may repel the demand of any other nation by candidly stating her act to have been, what in truth it is, a recognition only, and not a grant.

If Spain apprehends that other nations may claim access to our ports in the Mississippi, under their treaties with us, giving them a right to come and trade in all our ports, though we would not choose to insert an express stipulation against them, yet we shall think ourselves justified to acquiesce in fact, under any regulations Spain may from time to time establish against their admission.

Should Spain renew another objection, which she relied much on before, that the English at the Revolution treaty could not cede to us what Spain had taken from them by conquest, and what of course they did not possess themselves, the preceding observations furnish sufficient matter for refutation.

To conclude the subjects of boundary and navigation, each of the following conditions is to be considered by the commissioners as a *sine quâ non*.

[1] "The most favored nation."

1. That our southern boundary remain established at the completion of thirty-one degrees of latitude on the Mississippi, and so on to the ocean, as has been before described, and our western one along the middle of the channel of the Mississippi, however that channel may vary, as it is constantly varying, and that Spain cease to occupy or to exercise jurisdiction in any part northward or eastward of these boundaries.

2. That our right be acknowledged of navigating the Mississippi, in its whole breadth and length, from its source to the sea, as established by the treaty of 1763.

3. That neither the vessels, cargoes, nor the persons on board, be stopped, visited, or subjected to the payment of any duty whatsoever; or, if a visit must be permitted, that it be under such restrictions as to produce the least possible inconvenience. But it should be altogether avoided, if possible, as the parent of perpetual broils.

4. That such conveniences be allowed us ashore, as may render our right of navigation practicable and under such regulations as may *bonâ fide* respect the preservation of peace and order alone, and may not have in object to embarrass our navigation, or raise a revenue on it. While the substance of this article is made a *sine quâ non*, the modifications of it are left altogether to the discretion and management of the commissioners.

We might add, as a fifth *sine quâ non*, that no

phrase should be admitted in the treaty which could express or imply that we take the navigation of the Mississippi as a *grant* from Spain. But, however disagreeable it would be to subscribe to such a sentiment, yet, where the conclusion of a treaty to hang on that single objection, it would be expedient to waive it, and to meet, at a future day, the consequences of any resumption they may pretend to make, rather than at present, those of a separation without coming to any agreement.

We know not whether Spain has it in idea to ask a compensation for the ascertainment of our right.

1. In the first place, she cannot in reason ask a compensation for yielding what we have a right to, that is to say, the navigation of the river, and the conveniences incident to it of natural right.

2. In the second place, we have a claim on Spain for indemnification for nine years' exclusion from that navigation, and a reimbursement of the heavy duties (not less for the most part than 15 per cent. on extravagant valuations) levied on the commodities she has permitted to pass to New Orleans. The relinquishment of this will be no unworthy equivalent for any accommodations she may indulge us with, beyond the line of our strict right. And this claim is to be brought into view in proper time and manner, merely to be abandoned in consideration of such accommodations. We have nothing else to give in exchange. For as to territory, we have neither the right nor the disposition to alienate

an inch of what belongs to any member of our Union. Such a proposition, therefore, is totally inadmissible, and not to be treated of for a moment.

3. On the former conferences on the navigation of the Mississippi, Spain chose to blend with it the subject of commerce; and, accordingly, specific propositions thereon passed between the negotiators. Her object, then, was to obtain our renunciation of the navigation, and to hold out commercial arrangements, perhaps as a lure to us; perhaps, however, she might then, and may now, really set a value on commercial arrangements with us, and may receive them as a consideration for accommodating us in the navigation; or, may wish for them, to have the appearance of receiving a consideration. Commercial arrangements, if acceptable in themselves, will not be the less so if coupled with those relating to navigation and boundary. We have only to take care that they be acceptable in themselves.

There are two principles which may be proposed as the basis of a commercial treaty: 1. That of exchanging the privileges of *native citizens;* or,

2. Those of *the most favored nation.*

1. With the nations holding important possessions in America, we are ready to exchange the rights of native citizens, provided they be extended through the whole possessions of both parties, but the propositions of Spain, made on the former occasion, (a copy of which accompanies this,) were, that we should give their merchants, vessels, and productions,

the privilege of native merchants, vessels, and productions, through the whole of our possessions, and they give the same to ours only in Spain and the Canaries. This is inadmissible, because unequal; and, as we believe that Spain is not ripe for an equal exchange on this basis, we avoid proposing it.

2. Though treaties, which merely exchange the rights of the most favored nations, are not without all inconvenience, yet they have their conveniences also. It is an important one, that they leave each party free to make what internal regulations they please, and to give what preferences they find expedient to native merchants, vessels, and productions. And as we already have treaties on this basis, with France, Holland, Sweden, and Prussia, the two former of which are perpetual, it will be but small additional embarrassment to extend it to Spain. On the contrary, we are sensible it is right to place that nation on the most favored footing, whether we have a treaty with them or not, and it can do us no harm to secure by treaty a reciprocation of the right.

Of the four treaties before mentioned, either the French or the Prussian might be taken as a model. But it would be useless to propose the Prussian; because we have already supposed that Spain would never consent to those articles which give to each party access to all the dominions of the other; and, without this equivalent, we would not agree to tie our own hands so materially in war, as would be done by the 23d article, which renounces the right

of fitting out privateers, or of capturing merchant vessels. The French treaty, therefore, is proposed as the model. In this, however, the following changes are to be made.

We should be admitted to all the dominions of Spain, to which any other foreign nation is, or may be admitted.

Article 5 being an exemption from a particular duty in France, will of course be omitted, as inapplicable to Spain.

Article 8 to be omitted, as unnecessary with Morocco, and inefficacious, and little honorable with any of the Barbary powers. But it may furnish occasion to sound Spain on the project of a convention of the powers at war with the Barbary States, to keep up, by rotation, a constant cruise of a given force on their coasts, till they shall be compelled to renounce forever, and against all nations, their predatory practices. Perhaps the infidelities of the Algerines to their treaty of peace with Spain, though the latter does not choose to break openly, may induce her to subsidize *us* to cruise against them with a given force.

Article 9 and 10, concerning fisheries, to be omitted, as inapplicable.

Article 11. The first paragraph of this article, respecting the *droit d'aubaine*, to be omitted; that law being supposed peculiar to France.

Article 17, giving asylum in the ports of either to the armed vessels of the other, with the prizes taken

from the enemies of that other, must be qualified as it is in the 19th article of the Prussian treaty; as the stipulation in the latter part of the article, "that no shelter or refuge shall be given in the ports of the one to such as shall have made prize on the subjects of the other of the parties," would forbid us in case of a war between France and Spain, to give shelter in our ports to prizes made by the latter on the former, while the first part of the article would oblige us to shelter those made by the former on the latter—a very dangerous covenant, and which ought never to be repeated in any other instance.

Article 29. Consuls should be received in all the ports at which the vessels of either party may be received.

Article 30, concerning free ports in Europe and America. Free ports in the Spanish possessions in America, and particularly at the Havana, San Domingo, in the island of that name, and St. John of Porto Rico, are more to be desired than expected. It can, therefore, only be recommended to the best endeavors of the commissioners to obtain them. It will be something to obtain for our vessels, flour, &c., admission to those ports during their pleasure. In like manner, if they could be prevailed on to re-establish our right of cutting log-wood in the bay of Campeachy, on the footing on which it stood before the treaty of 1763, it would be desirable, and not endanger, to us, any contest with the English, who,

by the Revolution treaty, are restrained to the south-eastern parts of Yucatan.

Article 31. The *act* of ratification, on our part, may require a twelvemonth from the date of the treaty, as the Senate meets regularly but once a year; and to return it to Madrid, for exchange, may require four months more. It would be better, indeed, if Spain would send her ratification to be exchanged by her representative here.

The treaty must not exceed twelve or fifteen years' duration, except the clauses relating to boundary, and the navigation of the Mississippi, which must be perpetual and final. Indeed, these two subjects had better be in a separate instrument.

There might have been mentioned a third species of arrangement, that of making special agreements on every special subject of commerce, and of setting a tariff of duty to be paid on each side, on every particular article; but this would require in our commissioners a very minute knowledge of our commerce, as it is impossible to foresee every proposition of this kind which might be brought into discussion, and to prepare them for it by information and instruction from hence. Our commerce, too, is, as yet, rather in a course of experiment, and the channels in which it will ultimately flow, are not sufficiently known to enable us to provide for it by special agreement. Nor have the exigencies of our new Government, as yet, so far developed themselves, as that we can know to what degree we may

or must have recourse to commerce for the purposes of revenue. No common consideration, therefore, ought to induce us, as yet, to arrangements of this kind. Perhaps nothing should do it with any nation, short of the privileges of natives in all their possessions, foreign and domestic.

It were to be wished, indeed, that some positively favorable stipulations respecting our grain, flour, and fish, could be obtained, even on our giving reciprocal advantages to some other commodities of Spain, say her wines and brandies.

But, 1st. If we quit the ground of the *most favored nation*, as to certain articles for our convenience, Spain may insist on doing the same for other articles for her convenience, and thus our commissioners will get themselves on the ground of a treaty of *detail*, for which they will not be prepared.

2d. If we grant favor to the wines and brandies of Spain, then Portugal and Spain will demand the same; and in order to create an equivalent, Portugal may lay a duty on our fish and grain, and France, a prohibition on our whale oils, the removal of which will be proposed as an equivalent.

This much, however, as to grain and flour, may be attempted. There has, not long since, been a considerable duty laid on them in Spain. This was while a treaty on the subject of commerce was pending between us and Spain, as that court considers the matter. It is not generally thought right to change the state of things pending a treaty con-

cerning them. On this consideration, and on the motive of cultivating our friendship, perhaps the commissioners may induce them to restore this commodity to the footing on which it was, on opening the conferences with Mr. Gardoqui, on the 26th day of July, 1785. If Spain says, "do the same by your tonnage on our vessels," the answer may be, that our foreign tonnage affects Spain very little, and other nations very much; whereas the duty on flour in Spain affects us very much, and other nations very little. Consequently, there would be no equality in reciprocal relinquishment, as there had been none in the reciprocal innovation; and Spain, by insisting on this, would, in fact, only be aiding the interests of her rival nations, to whom we should be forced to extend the same indulgence. At the time of opening the conferences, too, we had, as yet, not erected any system; our government itself being not yet erected. Innovation then was unavoidable on our part, if it be innovation to establish a system. We did it on fair and general ground; on ground favorable to Spain. But they had a system, and, therefore, innovation was avoidable on their part.

It is known to the commissioners that we found it expedient to ask the interposition of France, lately, to bring on this settlement of our boundary, and the navigation of the Mississippi. How far that interposition has contributed to produce it, is uncertain. But we have reason to believe that her further interference would not produce an agreeable effect

on Spain. The commissioners, therefore, are to avoid all further communications on the subject with the ministers of France, giving them such explanations as may preserve their good dispositions. But if, ultimately, they shall find themselves unable to bring Spain to agreement on the subject of the navigation and boundary, the interposition of France, as a mutual friend, and the guarantee of our limits, is then to be asked, in whatever light Spain may choose to consider it.

Should the negotiations on the subject of navigation and boundary assume, at any time, an unhopeful aspect, it may be proper that Spain should be given to understand, that, if they are discontinued without coming to any agreement, the Government of the United States cannot be responsible for the longer forbearance of their western inhabitants. At the same time the abandonment of the negotiation should be so managed as that, without engaging us to a further suspension of the exercise of our rights, we may not be committed to resume them on the instant. The present turbid situation of Europe cannot leave us long without a safe occasion of resuming our territory and navigation, and of carving for ourselves those conveniences, on the shores, which may facilitate and protect the latter effectually and permanently.

We had a right to expect that, pending a negotiation, all things would have remained in *statu quo*, and that Spain would not have proceeded to possess

herself of other parts of our territory. But she has lately taken and fortified a new post on the Walnut hills, above the mouth of the Yazoo river, and far above the 31st degree. This garrison ought to have been instantly dislodged; but for our wish to be in friendship with Spain, and our confidence in her assurances "to bide by the limits established in our treaty with England," complaints of this unfriendly and uncandid procedure may be brought forward or not, as the commissioners shall see expedient.

Report on the case of Charles Russell and others, claiming certain lands.

January 21, 1792.

The Secretary of State, to whom was referred, by the President of the United States, the letter of the Governor of Virginia of January 7th, 1792, with the report of a committee of the House of Delegates of that commonwealth, of December 12th, 1791, and resolution of the General Assembly thereon, of December 17th, on the case of Charles Russell, late an officer in the service of the said commonwealth, stating that a considerable part of the tract of country allotted for the officers and soldiers having fallen into the State of North Carolina on the extension of their common boundary, the legislature of the said State had, in 1781, passed an act substituting in lieu thereof the tract of country between the said boundary and the rivers Mississippi, Ohio, Tennessee, and

subjecting the same to the claims of their officers and soldiers. That the said Charles Russell had in consequence thereof, directed warrants for two thousand six hundred and sixty-six and two-thirds acres of land to be located within the said tract of country; but that the same belonging to the Chickasaws, he is unable to obtain a right thereto, and that there are other officers and soldiers of the said commonwealth under like circumstances:

Reports, That the tract of country before described is within the boundaries of the Chickasaw nation as established by the treaty of Hopewell, the 16th day of January, 1786.

That the right of occupancy of the said lands, therefore, being vested in the said nation, the case of the said Charles Russell, and other officers and soldiers of the said commonwealth, becomes proper to be referred to the legislature of the United States for their consideration.

Report relative to negotiations at Madrid.

March 7, 1792.

The Secretary of State having understood, from communications with the commissioners of his Catholic Majesty, subsequent to that which he reported to the President on the 22d of December last, that though they considered the navigation of the Mississippi as the principal object of negotiation between the two countries, yet it was expected by their court

that the conferences would extend to all the matters which were under negotiation on the former occasion with Mr. Gardoqui, and particularly to some arrangements of commerce, is of opinion, that, to renew the conferences on this subject also, since they desire it, will be but friendly and respectful, and can lead to nothing without our own consent; and that, to refuse it, might obstruct the settlement of the questions of navigation and boundary; and, therefore, reports to the President of the United States, the following observations and instructions to the commissioners of the United States, appointed to negotiate with the court of Spain a treaty or convention relative to the navigation of the Mississippi; which observations and instructions, he is of opinion, should be laid before the Senate of the United States, and their decision be desired, whether they will advise and consent that a treaty be entered into by the commissioners of the United States with Spain conformable thereto.

After stating to our commissioners the foundation of our rights to navigate the Mississippi, and to hold our southern boundary at the 31st degree of latitude, and that each of these is to be a *sine quâ non*, it is proposed to add as follows:

On the former conferences on the navigation of the Mississippi, Spain chose to blend with it the subject of commerce; and, accordingly, specific propositions thereon passed between the negotiators. Her object then was to obtain our renunciation of

the navigation, and to hold out commercial arrangements, perhaps as a lure to us. Perhaps, however, she might then, and may now, really set a value on commercial arrangements with us, and may receive them as a consideration for accommodating us in the navigation, or may wish for them to have the appearance of receiving a consideration. Commercial arrangements, if acceptable in themselves, will not be the less so, if coupled with those relating to navigation and boundary. We have only to take care that they be acceptable in themselves.

* * * * * * * *

Opinion on the Bill apportioning Representation.

April 4, 1792.

The Constitution has declared that representatives and direct taxes shall be apportioned among the several States according to their respective numbers. That the number of representatives shall not exceed one for every 30,000, but each State shall have at least one representative, and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose 3, Massachusetts 2.

The bill for apportioning representatives among the several States, without explaining any principle at all, which may show its conformity with the constitution, to guide future apportionments, says, that New Hampshire shall have 3 members, Massachusetts 16, &c. We are, therefore, to find by experiment

what has been the principle of the bill; to do which, it is proper to state the federal or representable numbers of each State, and the numbers allotted to them by the bill. They are as follows:—

		Members.
Vermont	85,532	3
New Hampshire	141,823	5
Massachusetts	475,327	16
Rhode Island.	68,444	2
Connecticut	285,941	8
New York	352,915	11
New Jersey.	179,556	6
Pennsylvania.	432,880	14
Delaware	55,538	2
Maryland	278,513	9
Virginia	630,558	21
Kentucky	68,705	2
North Carolina	353,521	11
South Carolina	206,236	6
Georgia	70,843	2
	3,636,312	120

It happens that this representation, whether tried as between great and small States, or as between north and south, yields, in the present instance, a tolerably just result; and, consequently, could not be objected to on that ground, if it were obtained by the process prescribed in the Constitution; but if obtained by any process out of that, it becomes arbitrary and inadmissible.

The 1st member of the clause of the Constitution above cited is express, that representatives shall be apportioned among the several States according to their *respective numbers*. That is to say, they shall

be apportioned by some common ratio—for proportion, and ratio, are equivalent words; and, in the definition of *proportion among numbers*, that they have a ratio common to all, or in other words, a common divisor. Now, trial will show that there is no common ratio, or divisor, which, applied to the numbers of each State, will give to them the number of representatives allotted in this bill. For trying the several ratios of 29, 30, 31, 32, 33, the allotments would be as follows:—

	29	30	31	32	33	The Bill.
Vermont	2	2	2	2	2	3
New Hampshire	4	4	4	4	4	5
Massachusetts	16	15	15	14	14	16
Rhode Island	2	2	2	2	2	2
Connecticut	8	7	7	7	7	8
New York	12	11	11	11	10	11
New Jersey	6	5	5	5	5	6
Pennsylvania	14	14	13	13	13	14
Delaware	1	1	1	1	1	2
Maryland	9	9	8	8	8	9
Virginia	21	21	20	19	19	21
Kentucky	2	2	2	2	2	2
North Carolina	12	11	11	11	10	12
South Carolina	7	6	6	6	6	7
Georgia	2	2	2	2	2	2
	118	112	109	107	105	120

Then the bill reverses the constitutional precept, because, by it, representatives are *not* apportioned among the several States, according to their respective numbers.

It will be said that, though, for taxes, there may always be found a divisor which will apportion them

among the States according to numbers exactly, without leaving any remainder, yet, for *representatives*, there can be no such common ratio, or divisor, which, applied to the several numbers, will divide them exactly, without a remainder or fraction. I answer, then, that taxes must be divided *exactly*, and representatives *as nearly* as the *nearest ratio* will admit; and the fractions must be neglected, because the Constitution calls absolutely that there be an *apportionment or common ratio*, and if any fractions result from the operation, it has left them unprovided for. In fact it could not but foresee that such fractions would result, and it meant to submit to them. It knew they would be in favor of one part of the Union at one time, and of another at another, so as, in the end, to balance occasional irregularities. But instead of such a *single* common ratio, or uniform divisor, as prescribed by the Constitution, the bill has applied *two ratios*, at least, to the different States, to wit, that of 30,026 to the seven following: Rhode Island, New York, Pennsylvania, Maryland, Virginia, Kentucky and Georgia; and that of 27,770 to the eight others, namely: Vermont, New Hampshire, Massachusetts, Connecticut, New Jersey, Delaware, North Carolina, and South Carolina, as follows:

Rhode Island	68,444	divided	by	30,026	gives	2
New York	352,915	"	"	"	"	11
Pennsylvania	432,880	"	"	"	"	14
Maryland	278,513	"	"	"	"	9
Virginia	630,558	"	"	"	"	21
Kentucky	58,705	"	"	"	"	2
Georgia	70,843	"	"	"	"	2

Vermont	85,532	divided	by	27,770	gives	3
New Hampshire.....	141,823	"	"	"	"	5
Massachusetts	475,327	"	"	"	"	16
Connecticut	235,941	"	"	"	"	8
New Jersey	179,556	"	"	"	"	6
Delaware.....	55,538	"	"	"	"	2
North Carolina	353,521	"	"	"	"	12
South Carolina	206,236	"	"	"	"	7

And if *two* ratios be applied, then *fifteen* may, and the distribution become arbitrary, instead of being apportioned to numbers. Another member of the clause of the Constitution which has been cited, says "the number of representatives shall not exceed one for every 30,000, but each State shall have at least one representative." This last phrase proves that it had no contemplation that all fractions, or *numbers below the common ratio* were to be unrepresented; and it provides especially that in the case of a State whose whole number shall be below the common ratio, one representative shall be given to it. This is the single instance where it allows representation to any smaller number than the common ratio, and by providing especially for it in this, shows it was understood that, without special provision, the smaller number would in this case, be involved in the general principle. The first phrase of the above citations, that "the number of representatives shall not exceed one for every 30,000," is violated by this bill which has given to eight States a number exceeding one for every 30,000, to wit, one for every 27,770.

In answer to this, it is said that this phrase may mean either the 30,000 *in each State*, or the 30,000

in the whole Union, and that in the latter case it serves only to find the amount of the whole representation; which, in the present state of population, is 120 members. Suppose the phrase might bear both meanings, which will common sense apply to it? Which did the universal understanding of our country apply to it? Which did the Senate and Representatives apply to it during the pendency of the first bill, and even till an advanced stage of this second bill, when an ingenious gentleman found out the doctrine of fractions, a doctrine so difficult and inobvious, as to be rejected at first sight by the very persons who afterwards became its most zealous advocates?

The phrase stands in the midst of a number of others, every one of which relates to States in their separate capacity. Will not plain common sense then, understand it, like the rest of its context, to relate to States in their separate capacities?

But if the phrase of one for 30,000 is only meant to give the aggregate of representatives, and not at all to influence their apportionment among the States, then the 120 being once found, in order to apportion them, we must recur to the former rule which does it according to the numbers of *the respective States;* and we must take the *nearest common divisor*, as the ratio of distribution, that is to say, that divisor which, applied to every State, gives to them such numbers as, added together, come nearest to 120. This nearest common ratio will be found to be 28,658, and will distribute 119 of the 120 members, leaving only

a single residuary one. It will be found too to place 96,648 fractional numbers in the eight northernmost States, and 106,582 in the seven southernmost. The following table shows it:

		Ratio, 28,658	Fraction.	
Vermont	85,832	2	27,816	
New Hampshire	141,823	4	26,391	
Massachusetts	475,327	16	13,599	
Rhode Island	68,444	2	10,728	
Connecticut	235,941	8	5,077	
New York	352,915	12	6,619	
New Jersey	119,856	6	6,408	
Pennsylvania	432,880	15	10	96,648
Delaware	55,538	1	26,680	
Maryland	278,503	9	18,191	
Virginia	630,558	21	24,540	
Kentucky	68,705	2	10,989	
North Carolina	353,521	12	7,225	
South Carolina	206,236	7	4,230	
Virginia	70,843	2	23,137	105,582
	3,636,312	119	202,230	202,230

Whatever may have been the intention, the effect of neglecting the nearest divisor, (which leaves but one residuary member,) and adopting a distant one (which leaves eight), is merely to take a member from New York and Pennsylvania, each, and give them to Vermont and New Hampshire. But it will be said, this is giving more than one for 30,000. True, but has it not been just said that the one for 30,000 is prescribed only to fix the aggregate number, and that we are not to mind it when we come to apportion them among the States? That for this

we must recur to the former rule which distributes them according to the numbers in each State? Besides does not the bill itself apportion among seven of the States by the ratio of 27,770? which is much more than one for 30,000.

Where a phrase is susceptible of two meanings, we ought certainly to adopt that which will bring upon us the fewest inconveniences. Let us weigh those resulting from both constructions.

From that giving to each State a member for every 30,000 in that State results the single inconvenience that there may be large portions unrepresented, but it being a mere hazard on which State this will fall, hazard will equalize it in the long run. From the others result exactly the same inconvenience. A thousand cases may be imagined to prove it. Take one. Suppose eight of the States had 45,000 inhabitants each, and the other seven 44,999 each, that is to say each one less than each of the others. The aggregate would be 674,993, and the number of representatives at one for 30,000 of the aggregate, would be 22. Then, after giving one member to each State, distribute the seven residuary members among the seven highest fractions, and though the difference of population be only an unit, the representation would be the double.

			Fractions.
1st	45,000	2	15,000
2d	45,000	2	15,000
3d	45,000	2	15,000
4th	45,000	2	15,000

			Fractions.
5th.	45,000	2	15,000
6th.	45,000	2	15,000
7th.	45,000	2	15,000
8th.	45,000	1	15,000
9th.	44,999	1	14,999
10th.	44,999	1	14,999
11th.	44,999	1	14,999
12th.	44,999	1	14,999
13th.	44,999	1	14,999
14th.	44,999	1	14,999
15th.			14,999
	674,993	22	

Here a single inhabitant the more would count as 30,000. Nor is this case imaginable, only it will resemble the real one whenever the fractions happen to be pretty equal through the whole States. The numbers of our census happen by accident to give the fractions all very small, or very great, so as to produce the strongest case of inequality that could possibly have occurred, and which may never occur again. The probability is that the fractions will generally descend gradually from 29,999 to 1. The inconvenience then of large unrepresented fractions attends both constructions; and while the most obvious construction is liable to no other, that of the bill incurs many and grievous ones.

1. If you permit the large fraction in one State to choose a representative for one of the small fractions in another State, you take from the latter its election, which constitutes real representation, and substitute a virtual representation of the disfranchised fractions,

and the tendency of the doctrine of virtual representation has been too well discussed and appreciated by reasoning and resistance on a former great occasion to need development now.

2. The bill does not say that it has given the residuary representatives *to the greatest fraction;* though in fact it has done so. It seems to have avoided establishing that into a rule, lest it might not suit on another occasion. Perhaps it may be found the next time more convenient to distribute them *among the smaller States;* at another time *among the larger States;* at other times according to any other crotchet which ingenuity may invent, and the combinations of the day give strength to carry; or they may do it arbitrarily by open bargains and cabal. In short this construction introduces into Congress a scramble, or a vendue for the surplus members. It generates waste of time, hot blood, and may at some time, when the passions are high, extend a disagreement between the two Houses, to the perpetual loss of the thing, as happens now in the Pennsylvania assembly; whereas the other construction reduces the apportionment always to an arithmetical operation, about which no two men can ever possibly differ.

3. It leaves in full force the violation of the precept which declares that representatives shall be *apportioned* among the States according to their numbers, *i. e.*, by some common ratio.

Viewing this bill either as a *violation of the constitution,* or as giving an *inconvenient exposition of its*

words, is it a case wherein the President ought to interpose his negative? I think it is.

1. The non-user of his negative begins already to excite a belief that no President will ever venture to use it; and has, consequently, begotten a desire to raise up barriers in the State legislatures against Congress, throwing off the control of the Constitution.

2. It can never be used more pleasingly to the public, than in the protection of the Constitution.

3. No invasions of the Constitution are fundamentally so dangerous as the tricks played on their own numbers, apportionment, and other circumstances respecting themselves, and affecting their legal qualifications to legislate for the union.

4. The majorities by which this bill has been carried (to wit: of one in the Senate and two in the Representatives) show how divided the opinions were there.

5. The whole of both Houses admit the Constitution will bear the other exposition, whereas the minorities in both deny it will bear that of the bill.

6. The application of any one ratio is intelligible to the people, and will, therefore be approved, whereas the complex operations of this bill will never be comprehended by them, and though they may acquiesce, they cannot approve what they do not understand.

Opinion relative to a case of recapture, by citizens of the United States, of slaves escaped into Florida, and of an American captain enticing French slaves from St. Domingo.

December 3, 1792.

Complaint has been made by the Representatives of Spain that certain individuals of Georgia entered the State of Florida, and without any application to the Government, seized and carried into Georgia, certain persons, whom they claimed to be their slaves. This aggression was thought the more of, as there exists a convention between that government and the United States against receiving fugitive slaves.

The Minister of France has complained that the master of an American vessel, while lying within a harbor of St. Domingo, having enticed some negroes on board his vessel, under pretext of employment, bought them off, and sold them in Georgia as slaves.

1. Has the general government cognizance of these offences? 2. If it has, is any law already provided for trying and punishing them?

1. The Constitution says, "Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts, &c., provide for the common defence and *general welfare* of the United States." I do not consider this clause as reaching the point. I suppose its meaning to be, that Congress may collect taxes for the purpose of providing for the *general welfare* in those cases wherein the Constitution

empowers them to act for the general welfare. To suppose that it was meant to give them a distinct substantive power, to do *any act* which might tend to the *general welfare*, is to render all the enumerations useless, and to make their powers unlimited. We must seek the power therefore in some other clause of the Constitution. It says further, that Congress shall have power to "define and punish piracies and felonies committed on the high seas, and offences against the law of nations." These offences were not committed on the high seas, and consequently not within that branch of the clause. Are they against the law of nations, taken as it may be in its whole extent, as founded, 1st, in nature; 2d, usage; 3d, convention? So much may be said in the affirmative, that the legislators ought to send the case before the judiciary for discussion; and the rather, when it is considered that unless the offenders can be punished under this clause, there is no other which goes directly to their case, and consequently our peace with foreign nations will be constantly at the discretion of individuals.

2. Have the legislators sent this question before the Courts by any law already provided? The act of 1789, chapter 20, section 9, says the district courts shall have cognizance concurrent with the courts of the several States, or the circuit courts, of all causes, where an *alien sues for a tort only*, in violation of the law of nations: but what if there be no alien whose interest is such as to support an action for the tort?—

which is precisely the case of the aggression on Florida. If the act in describing the jurisdiction of the Courts, had given them cognizance of proceedings by way of indictment or information against offenders under the law of nations, for the public wrong, and on the public behalf, as well as to an individual for the special tort, it would have been the thing desired.

The same act, section 13, says, the "Supreme Court shall have exclusively all such jurisdiction of suits or proceedings against ambassadors, or other public ministers, or their domestics or domestic servants, as a court of law can have or exercise consistently, with the law of nations."—Still this is not the case, no ambassador, &c., being concerned here. I find nothing else in the law applicable to this question, and therefore presume the case is still to be provided for, and that this may be done by enlarging the jurisdiction of the courts, so that they may sustain indictments and informations on the public behalf, for offences against the law of nations.

[*A note added by Mr. Jefferson at a later period.*]

On further examination it does appear that the 11th section of the judiciary act above cited gives to the circuit courts exclusively, cognizance of all crimes and offences cognizable under the authority of the United States, and not otherwise provided for. This removes the difficulty, however, but one step

further;—for questions then arise, 1st. What is the peculiar character of the offence in question; to wit: treason, felony, misdemeanor, or trespass? 2d. What is its specific punishment—capital or what? 3d. Whence is the venue to come?

Report on Assays at the Mint, communicated to the House of Representatives, January 8, 1793.

The Secretary of State, to whom was referred, by the President of the United States, the resolution of the House of Representatives of the 29th of November, 1792, on the subject of experiments of France, England, Spain, and Portugal, reports:

That assays and experiments have been, accordingly, made at the mint, by the director, and under his care and inspection, of sundry gold and silver coins of France, England, Spain, and Portugal, and of the quantity of fine gold and alloy in each of them, and the specific gravities of those of gold given in by the director, a copy of which, and of the letter covering it, are contained in the papers marked A and B.

A.

January 7, 1793.

Sir:—I have, herewith, enclosed the result of our assays, &c., of the coins of France, England, Spain, and Portugal. In the course of the experiments, a very small source of error was detected, too late for

the present occasion, but which will be carefully guarded against in future.

I am, with the most perfect esteem, your most obedient humble servant,

DAVID RITTENHOUSE, *Director of the Mint.*

THOMAS JEFFERSON, *Secretary of State.*

B.

Assay of gold coins.

Date.		In 24 grains.				Specific gravity.
		Fine gold.		Alloy.		
		grs.	32 pts.	grs.	32 pts.	
French guineas, ...	1726	21	16	2	16	17.48
	1734	21	19	2	13	17.38
	1742	21	26	2	06	17.58
	1753	21	03	2	29	17.23
	1775	21	22	2	10	17.57
Double do.	1786	21	22	2	10	17.51
	1789	21	22	2	10	17.50
	1790	21	25	2	25	17.57
Spanish pistoles,...	1776	21	21	2	11	17.53
	1780	21	00	3	00	17.57
	1786	21	18	2	14	17.63
	1788	21	02	2	30	17.00
English guineas, ...	1755	21	28	2	04	17.78
	1777	21	31	2	01	17.75
	1785	21	30	2	02	17.78
	1788	21	31	2	01	17.79
	1789	22	03	1	03	17.78
	1791	22	01	1	31	17.74
Half johannes of Portugal	1739	21	31	2	01	17.63
	1770	22	05	2	27	17.78
	1776	22	05	1	27	17.87
	1785	21	30	2	02	17.68
	1788	21	31	2	01	17.78

Silver coins.

Date.	In 12 ounces.					
	Fine silver.			Alloy.		
	oz.	dwts.	grs.	oz.	dwt.	grs.
English half-crown of William III.	10	19	09½	1	00	14½
English shilling.....1787	11	00	02½	0	19	21½
French crown.....1791	10	16	00	1	04	00
Do. half-crown.....1739	10	17	00	1	03	00
Do. 1792	10	16	19	1	03	05
Spanish dollar of 1772	10	15	05	1	04	19
Spanish dollar of 1782	10	14	02½	1	05	21½
Spanish dollar of 1790	10	14	00	1	06	00
Spanish dollar of 1791	10	14	21½	1	05	02½

MINT, January 7, 1793.

Assayed by Mr. David Ott, under my inspection, at the mint, in pursuance of a resolution of Congress of November 29, 1792. I have added the specific gravity of each piece of gold coin.

DAVID RITTENHOUSE, *Director of the Mint.*

Report on the petition of John Rogers, relative to certain lands on the north-east side of the Tennessee.

February 16, 1793.

The Secretary of State, to whom was referred, by the House of Representatives of the United States, the petition of John Rogers, setting forth, that as an officer of the State of Virginia, during the last war, he became entitled to two thousand acres of lands on the north-east side of the Tennessee, at its confluence with the Ohio, and to two thousand four

hundred acres in different parcels, between the same river and the Mississippi, all of them within the former limit of Virginia, which lands were allotted to him under an act of the Legislature of Virginia, before its deed of cession to the United States; that by the treaty of Hopewell, in 1786, the part of the country comprehending these lands was ceded to the Chickasaw Indians; and praying compensation for the same,

Reports, That the portion of country comprehending the said parcels of land, has been ever understood to be claimed, and has certainly been used, by the Chickasaw and Cherokee Indians for their hunting grounds. The Chickasaws holding exclusively from the Mississippi to the Tennessee, and extending their claim across that river, eastwardly, into the claims of the Cherokees, their conterminous neighbors.

That the government of Virginia was so well apprized of the rights of the Chickasaws to a portion of country within the limit of that State, that about the year 1780, they instructed their agent, residing with the southern Indians, to avail himself of the first opportunity which should offer, to purchase the same from them, and that, therefore, any act of that Legislature allotting these lands to their officers and soldiers must probably have been passed on the supposition, that a purchase of the Indian right could be made, which purchase, however, has never been made.

That, at the treaty of Hopewell, the true boundary

between the United States on the one part, and the Cherokees and Chickasaws on the other, was examined into and acknowledged, and by consent of all parties, the unsettled limits between the Cherokees and Chickasaws were at the same time ascertained, and in that part particularly, were declared to be the highlands dividing the waters of the Cumberland and Tennessee, whereby the whole of the petitioner's locations were found to be in the Chickasaw country.

That the right of occupation of the Cherokees and Chickasaws in this portion of the country, having never been obtained by the United States, or those under whom they claim it, cannot be said to have been ceded by them at the treaty of Hopewell, but only recognized as belonging to the Chickasaws, and retained to them.

That the country south of the Ohio was formerly contested between the Six Nations and the southern Indians for hunting grounds.

That the Six Nations sold for a valuable consideration to the then government their right to that country, describing it as extending from the mouth of the Tennessee upwards. That no evidence can at this time and place be procured, as to the right of the southern Indians, that is to say, the Cherokees and Chickasaws, to the same country; but it is believed that they voluntarily withdrew their claims within the Cumberland river, retaining their right so far, which consequently could not be conveyed from them, or to us, by the act of the Six Nations,

unless it be proved that the Six Nations had acquired a right to the country between the Cumberland and Tennessee rivers by conquest over the Cherokees and Chickasaws, which it is believed cannot be proved.

That, therefore, the locations of the petitioner must be considered as made within the Indian territory, and insusceptible of being reduced into his possession, till the Indian right be purchased.

That this places him on the same footing with Charles Russell and others, officers of the same State, who had located their bounty lands in like manner, within the Chickasaw lines, whose case was laid before the House of Representatives of the United States at the last session, and remains undecided on; and that the same and no other measure should be dealt to this petitioner which shall be provided for them.

Report relative to the Boundaries of the Lands between the Ohio and the Lakes, acquired by treaties from the Indians.

March 10, 1793.

The Secretary of State, according to instructions received from the President of the United States,

Reports, That, for the information of the commissioners appointed to treat with the western Indians, he has examined the several treaties entered into with them subsequent to the declaration of Independence, and relating to the lands between the

Ohio and the lakes, and also the extent of the grants, reservations, and appropriations of the same lands, made either by the United States, or by individual States within the same period, and finds that the lands obtained by the said treaties, and not so granted, reserved, or appropriated, are bounded by the following lines, to wit:

Northwardly. By a line running from the fork of the Tuscarora's branch of the Muskingum, at the crossing-place above Fort Lawrence. Westwardly (towards the portage of the Big Miami) to the main branch of that river, then down the Miami, to the fork of that river next below the old fort, which was taken by the French in 1752, thence due west to the river De la Panse, and down that river to the Wabash; which lines were established with the Wiandots, Delawares, Chippawas, and Ottawas, by the treaty of Fort McIntosh, and with the Shawanese by that of the Great Miami.

Westwardly. By the bounds of the Wabash Indians.

Eastwardly. By the million of acres appropriated to military claimants, by the resolution of Congress of October 23, 1787, and lying in the angle between the seventh range of townships counted westwardly, from the Pennsylvania boundary, and the tenth range counted from the Ohio northwardly along the said seventh, which million of acres may perhaps extend westwardly, so as to comprehend the twelfth range of townships, counted in that

direction from the Pennsylvania boundary, under which view the said twelfth range may be assumed for the eastern boundary of the territory now under consideration, from the said tenth range to the Indian line.

Southwardly. By the northern boundary of the said tenth range of townships to the Sioto river, and along the said river to what shall be the northern limits of the appropriations for the Virginia line; (which two last lines are those of the lands granted to the Sioto company,) thence along what shall be the *northern* limits of the said appropriations of the Virginia line to the little Miami, and along the same to what shall be the northern limit of one million of acres of land purchased by John C. Symmes; thence due west along the said northern limit of the said John C. Symmes, to the Great Miami, and down the same to its mouth, then along the Ohio to General Clark's lands, and round the said lands to the Ohio again, and down the same to the Wabash, or the lands of the Indians inhabiting it. Which several lines are delineated on the copy of Hutchins' map accompanying this report; the dotted parts of the delineation denoting that they are conjectural. And it is further necessary to apprize the commissioners that though the points at which these several lines touches the Ohio, are taken from actual surveys, yet the country included by the said lines, not being laid down from actual survey, their lengths and intersections with each other, and with the watercourses, as

appearing in the maps, are not at all to be relied on. No notice is here taken of the lands at the mouth of the Ohio appropriated for military bounties by the same resolution of Congress of October 22, 1787, nor of the settlement of Cahokea, Kaskaskia, Post Vincennes, &c., because these can concern no Indians but those of the Illinois and Wabash, whose interests should be transacted with themselves separately, and not be permitted to be placed under the patronage of the western Indians.

Report on the proceedings of the Secretary of State to transfer to Europe the annual fund of $40,000, *appropriated to that Department.*

April 18, 1793.

The Secretary of State thinking it his duty to communicate to the President his proceedings of the present year for transferring to Europe the annual fund of $40,000 appropriated to the Department of State, (a report whereof, was unnecessary the two former years, as monies already in the hands of our bankers in Europe were put under his orders,)

Reports, That in consequence of the President's order of March 23d, he received from the Secretary of the Treasury, March 31st, a warrant on the Treasurer for $39,500; that it being necessary to purchase private bills of exchange to transfer the money to Europe, he consulted with persons acquainted with that business, who advised him not to let it be known

that he was to purchase bills at all, as it would raise the exchange; and to defer the purchase a few days until the British packet should be gone, on which event bills generally sunk some few per cent. He therefore deferred the purchase, or giving any orders for it till April 10th, when he engaged Mr. Vaughan (whose line of business enabled him to do it without suspicion,) to make the purchase for him. He then delivered the warrant to the Treasurer, and received a credit at the Bank of the United States for $39,500, whereon he had an account opened between "The Department of State and the Bank of the United States." That Mr. Vaughan procured for him the next day the following bills:

Willing, Morris, and Swanwich, on John and Francis Baring & Co., London, £3,000 = $13,000.

Walter Stewart on Joseph Birch, March, Liverpool, £400 = $1,733.33.

Robert Gilmer & Co., on James Strachan and James Mackenzie, London, endorsed by Mordecai Lewis.

£200
150
250 } £600 = $2,600

£4,000 = $17,333 33.

Averaging 4*s*. $7\frac{38}{100}$*d*. the dollar, or about 2½ per cent. above par, which added to the one per cent loss heretofore always sustained on the government bills (which allowed but 99 florins, instead of 100 do. for

every $40) will render the fund somewhat larger this year than heretofore; that these bills being drawn on London, (for none could be got on Amsterdam but to considerable loss, added to the risk of the present possible situation of that place,) he had them made payable to Mr. Pinckney, and enclosed them to him by Captain Cutting, in the letter of April 12th, now communicated to the President, and at the same time wrote the letters of the same date to our bankers at Amsterdam and to Col. Humphreys, now also communicated to the President, which will place under his view the footing on which this business is put, and which is still subject to any change he may think proper to direct, as neither the letters, nor bills are yet gone.

The Secretary of State proposes, hereafter, to remit in the course of each quarter $10,000 for the ensuing quarter, as that will enable him to take advantage of the times when exchange is low. He proposes to direct, at this time, a further purchase of $12,166.66, (which with the $500 formerly obtained, and $17,333.33 now remitted, will make $30,000 of this year's fund,) at long sight, which circumstance with the present low rate of exchange, will enable him to remit it to advantage.

He has only further to add that he delivered to Mr. Vaughan orders on the Bank of the United States in favor of the persons themselves from whom the bills were purchased, for their respective sums.

Opinion on the question whether the United States have a right to renounce their treaties with France, or to hold them suspended till the government of that country shall be established.

April 28, 1793.

I proceed in compliance with the requisition of the President to give an opinion in writing on the general question, whether the United States have a right to renounce their treaties with France, or to hold them suspended till the government of that country shall be established?

In the consultation at the President's on the 19th inst., the Secretary of the Treasury took the following positions and consequences. France was a monarchy when we entered into treaties with it; but it has declared itself a republic, and is preparing a republican form of government. As it may issue in a republic or a military despotism, or something else which may possibly render our alliance with it dangerous to ourselves, we have a right of election to renounce the treaty altogether, or to declare it suspended till their government shall be settled in the form it is ultimately to take; and then we may judge whether we will call the treaties into operation again, or declare them forever null. Having that right of election, now, if we receive their minister without any qualifications, it will amount to an act of election to continue the treaties; and if the change they are undergoing should issue in a form which

should bring danger on us, we shall not be then free to renounce them. To elect to continue them is equivalent to the making a new treaty, at this time, in the same form, that is to say, with a clause of guarantee; but to make a treaty with a clause of guarantee, during a war, is a departure from neutrality, and would make us associates in the war. To renounce or suspend the treaties, therefore, is a necessary act of neutrality.

If I do not subscribe to the soundness of this reasoning, I do most fully to its ingenuity. I shall now lay down the principles which, according to my understanding, govern the case.

I consider the people who constitute a society or nation as the source of all authority in that nation; as free to transact their common concerns by any agents they think proper; to change these agents individually, or the organization of them in form or function whenever they please; that all the acts done by these agents under the authority of the nation, are the acts of the nation, are obligatory to them and enure to their use, and can in no wise be annulled or affected by any change in the form of the government, or of the persons administering it, consequently the treaties between the United States and France, were not treaties between the United States and Louis Capet, but between the two nations of America and France; and the nations remaining in existence, though both of them have since changed their forms of government, the treaties are not

annulled by these changes. The law of nations, by which this question is to be determined, is composed of three branches. 1. The moral law of our nature. 2. The usages of nations. 3. Their special conventions. The first of these only concerns this question, that is to say the moral law to which man has been subjected by his creator, and of which his feelings or conscience, as it is sometimes called, are the evidence with which his creator has furnished him. The moral duties which exist between individual and individual in a state of nature, accompany them into a state of society, and the aggregate of the duties of all the individuals composing the society constitutes the duties of that society towards any other; so that between society and society the same moral duties exist as did between the individuals composing them, while in an unassociated state, and their maker not having released them from those duties on their forming themselves into a nation. Compacts then, between nation and nation, are obligatory on them by the same moral law which obliges individuals to observe their compacts. There are circumstances, however, which sometimes excuse the non-performance of contracts between man and man; so are there also between nation and nation. When performance, for instance, becomes *impossible*, non-performance is not immoral; so if performance becomes *self-destructive* to the party, the law of self-preservation overrules the laws of obligation in others. For the reality of these principles I appeal

to the true fountains of evidence, the head and heart of every rational and honest man. It is there nature has written her moral laws, and where every man may read them for himself. He will never read there the permission to annul his obligations for a time, or forever, whenever they become dangerous, useless, or disagreeable; certainly not when merely useless or disagreeable, as seems to be said in an authority which has been quoted, (Vattel, p. 2, 197) and though he may, under certain degrees of danger, yet the danger must be imminent, and the degree great. Of these, it is true, that nations are to be judges for themselves; since no one nation has a right to sit in judgment over another, but the tribunal of our consciences remains, and that also of the opinion of the world. These will revise the sentence we pass in our own case, and as we respect these, we must see that in judging ourselves we have honestly done the part of impartial and rigorous judges.

But reason which gives this right of self-liberation from a contract in certain cases, has subjected it to certain just limitations.

I. The danger which absolves us must be great, inevitable and imminent. Is such the character of that now apprehended from our treaties with France? What is that danger? 1st. Is it that if their government issues in a military despotism, an alliance with them may taint us with despotic principles? But their government when we allied ourselves to it, was

perfect despotism, civil, and military, yet the treaties were made in that very state of things, and, therefore, that danger can furnish no just cause.

2d. Is it that their government may issue in a republic, and too much strengthen our republican principles? But this is the hope of the great mass of our constituents, and not their dread. They do not look with longing to the happy mean of a limited monarchy.

3d. But, says the doctrine I am combatting, the change the French are undergoing, may possibly end in something we know not what, and may bring on us danger we know not whence. In short, it may end in a Raw-head and bloody bones in the dark. Very well—let Raw-head and bloody bones come. We shall be justified in making our peace with him by renouncing our ancient friends and his enemies; for observe, it is not the *possibility of danger* which absolves a party from his contract, for that possibility always exists, and in every case. It existed in the present one, at the moment of making the contract. If *possibilities* would void contracts, there never could be a valid contract, for possibilities hang over everything. Obligation is not suspended till the danger is become real, and the moment of it so imminent, that we can no longer avoid decision without forever losing the opportunity to do it. But can a danger which has not yet taken its shape, which does not yet exist, and never may exist which cannot therefore be defined—can such a danger, I

ask, be so imminent that if we fail to pronounce on it in this moment, we can never have another opportunity of doing it?

4. As to the danger apprehended, Is it that (the treaties remaining valid) the clause guaranteeing their West Indian lands will engage us in the war? But does the guarantee engage us to enter into the war on any event? Are we to enter into it before we are called on by our allies?

Have we been called on by them? Shall we ever be called on?

Is it their interest to call on us?

Can they call on us before their islands are invaded, or immediately threatened?

If they can save themselves, have they a right to call on us?

Are we obliged to go to war at once, without trying peaceable negotiations with their enemy?

If all these questions are against us, there are still others left behind.

Are we in a condition to go to war?

Can we be expected to begin before we are in condition?

Will the islands be lost if we do not save them?

Have we the means of saving them?

If we cannot save them, are we bound to go to war for a desperate object?

Many, if not most of these questions offer grounds of doubt whether the clause of guarantee will draw us into the war. Consequently, if this be danger

apprehended, it is not yet certain enough to authorize us in sound morality to declare, at this moment, the treaties null.

5. Is danger apprehended from the 17th article of the treaty of commerce, which admits French ships of war and privateers to come and go freely, with prizes made on their enemies, while their enemies are not to have the same privilege with prizes made on the French? But Holland and Prussia have approved of this article in our treaty with France, by subscribing to an express salvo of it in our treaties with them. (Dutch treaty 22, convention 6. Prussian treaty 19.) And England, in her last treaty with France, (Art. 40,) has entered into the same stipulation verbatim, and placed us in her ports on the same footing in which she is in ours, in case of a war of either of us with France. If we are engaged in such a war, England must receive prizes made on us by the French, and exclude those made on the French by us. Nay, further; in this very article of her treaty with France, is a salvo of any similar article in any anterior treaty of either party; and ours with France being anterior, this salvo confirms it expressly. Neither of these three powers, then, have a right to complain of this article in our treaty.

6. Is the danger apprehended from the 22d article of our treaty of commerce, which prohibits the enemies of France from fitting out privateers in our posts, or selling their prizes here; but we are free

to refuse the same thing to France, there being no stipulation to the contrary; and we ought to refuse it on principles of fair neutrality.

7. But the reception of a minister from the republic of France, without qualifications, it is thought, will bring us into danger; because this, it is said, will determine the continuance of the treaty, and take from us the right of self-liberation, when at any time hereafter our safety would require us to use it. The reception of the minister at all, (in favor of which Colonel Hamilton has given his opinion, though reluctantly, as he confessed,) is an acknowledgment of the legitimacy of their government; and if the qualifications meditated are to deny that legitimacy, it will be a curious compound which is to admit and to deny the same thing. But I deny that the reception of a minister has anything to do with the treaties. There is not a word in either of them about sending ministers. This has been done between us under the common usage of nations, and can have no effect either to continue or annul the treaties.

But how can any act of election have the effect to continue a treaty which is acknowledged to be going on still?—for it was not pretended the treaty was void, but only voidable if we choose to declare it so. To make it void, would require an act of election, but to let it go on, requires only that we should do nothing; and doing nothing can hardly be an infraction of peace or neutrality.

But I go further and deny that the most explicit declaration made at this moment that we acknowledge the obligation of the treaties, could take from us the right of non-compliance at any future time, when compliance would involve us in great and inevitable danger.

I conclude, then, that few of these sources threaten any danger at all; and from none of them is it inevitable; and consequently, none of them give us the right at this moment of releasing ourselves from our treaties.

II. A second limitation on our right of releasing ourselves, is that we are to do it from so much of the treaties only as is bringing great and inevitable danger on us, and not from the residue, allowing the other party a right at the same time, to determine whether on our non-compliance with that part, they will declare the whole void. This right they would have, but we should not. (Vattel, 2. 202.) The only part of the treaty which can really lead us into danger, is the clause of guarantee. That clause is all that we could suspend in any case, and the residue will remain or not at the will of the other party.

III. A third limitation is that when a party from necessity or danger withholds compliance with part of a treaty, it is bound to make compensation where the nature of the case admits and does not dispense with it. (2 Vattel, 324. Wolf, 270. 443.) If actual circumstances excuse us from entering into the war

under the clause of guarantee, it will be a question whether they excuse us from compensation. Our weight in the war admits of an estimate; and that estimate would form the measure of compensation.

If, in withholding a compliance with any part of the treaties, we do it without just cause or compensation, we give to France a cause of war, and so become associated in it on the other side. An injured friend is the bitterest of foes, and France has not discovered either timidity, or over-much forbearance on the late occasions. Is this the position we wish to take for our constituents? It is certainly not the one they would take for themselves.

I will proceed now to examine the principal authority which has been relied on for establishing the right of self-liberation; because though just in part, it would lead us far beyond justice, if taken in all the latitude of which his expressions would admit. Questions of natural right are triable by their conformity with the moral sense and reason of man. Those who write treatises of natural law, can only declare what their own moral sense and reason dictate in the several cases they state. Such of them as happen to have feelings and a reason coincident with those of the wise and honest part of mankind, are respected and quoted as witnesses of what is morally right or wrong in particular cases. Grotius, Puffendorf, Wolf, and Vattel are of this number. Where they agree their authority is strong; but where they differ, (and they often

differ,) we must appeal to our own feelings and reason to decide between them. The passages in question shall be traced through all these writers; that we may see wherein they concur, and where that concurrence is wanting. It shall be quoted from them in the order in which they wrote, that is to say, from Grotius first, as being the earliest writer, Puffendorf next, then Wolf, and lastly Vattel, as latest in time.

GROTIUS 2. 16. 16.

Hither must be referred the common question concerning personal and real treaties. If indeed it be with a free people, there can be no doubt but that the engagement is in its nature real, because the subject is a permanent thing, and even though the government of the State be changed into a kingdom, the treaty remains; because the same body remains though the head is changed; and as it was before now, the government which is exercised by a king does not cease to be the government of the people. There is an exception when the object seems peculiar to the government, as if free cities contract a league for the defence of their freedom.

PUFFENDORF 8. 9. 6.

It is certain that every alliance made with a republic is real in its nature, and continues consequently to the term agreed on by the treaty, although the magistrates who concluded it be dead before, so that the form of government is changed even from a democracy to a monarchy; for in this case the people do not cease to be the same, and the king, in the case supposed, being established by the consent of the people who abolished the republican government, is understood to accept the crown with all the engagements which the people confessing it had contracted as being free and governing themselves. There must nevertheless be an exception of the alliances contracted with a view to preserve the present government; as if two republics league for mutual defence against those who would undertake to invade their liberty; for if one of these two people consent afterwards voluntarily to change the form of the government, the alliance ends of itself, because the reason on which it was founded no longer subsists.

WOLF 1146.

The alliance which is made with a free people, or with a popular government, is a real alliance; and as when the form of government changes, the people remain the same (for it is the association which forms the people, and not the manner of administering the government). This alliance subsists, though the form of government changes, *unless*, as is evident, the reason of the alliance was particular to the popular state.

VATTEL 2. 197.

The same question presents itself in real alliances, and in general on every alliance made with a State, and not in particular with a king for the defence of his person. We ought, without doubt, to defend our ally against all invasion, against all foreign violence, and even against rebel subjects. We ought, in like manner, to defend a republic against the enterprises of an oppressor of the public liberty. But we ought to recollect that we are the ally of the state or of the nation, and not its judge. If the nation has deposed its king in form; if the people of a republic have driven away its magistrates, and have established themselves free, or if they have acknowledged the authority of an usurper, whether expressly or tacitly, to oppose these domestic arrangements —to contest their justice or validity—would be to meddle with the government of the nation, and to do it an injury. The ally remains the ally of the state, notwithstanding the change which has taken place; *but if this change renders the alliance useless, dangerous, or disagreeable to it, it is free to renounce it; for it may say with truth, that it would not have allied itself with this nation, if it had been under the present form of its government.*

The doctrine then of Grotius, Puffendorf, and Wolf is, that "treaties remain obligatory, notwithstanding any change in the form of government, except in the single case, where the preservation of that form was the object of the treaty;" there the treaty extinguishes, not by the election or declaration of the party remaining in *statu quo*, but independently of that, by the evanishment of the object. Vattel lays down in fact the same doctrine, that treaties continue obligatory, notwithstanding a change of government by the will of the other party;—that to oppose that will would be a wrong; and that the ally remains an ally, notwithstanding the change. So far he concurs with all the previous writers:—but he then adds what they had not said nor could say; but if this change renders the alliance *useless*, *dangerous* or *disagreeable* to it, it is free to renounce it. It was unnecessary for him to have specified the exception of *danger* in this particular case, because the exception exists in all cases, and its extent has been considered; but when he adds that, because a contract is become merely *useless* or *disagreeable* we are free to renounce it,—he is in opposition to Grotius, Puffendorf, and Wolf, who admit no such license against the obligation of treaties, and he is in opposition to the morality of every honest man to whom we may safely appeal to decide whether he feels himself free to renounce a contract the moment it becomes *merely useless* or *disagreeable* to him. We may appeal to Vattel

himself in those parts of his book where he cannot be misunderstood, and to his known character, as one of the most zealous and constant advocates for the preservation of good faith in all our dealings. Let us hear him on other occasions; and first where he shows what degree of danger or injury will authorize self-liberation from a treaty: "If simple lesion," (lesion—the loss sustained by selling a thing for less than half value, which degree of loss renders the sale void by the Roman law,) "if simple lesion," says he, "or some degree of disadvantage in a treaty does not suffice to render it invalid, it is not so as to inconvenience which would go to the *ruin* of the nation. As every treaty ought to be made by sufficient power, a treaty pernicious to the State is null, and not at all obligatory. No governor of a nation having power to engage things capable of *destroying* the State, for the safety of which the empire entrusts to him, the nation itself, bound necessarily to whatever its preservation and safety require, cannot enter into engagements contrary to its indispensable obligations." Here then we find that the degree of injury or danger which he deems sufficient to liberate us from a treaty, is that which would go to the absolute ruin or destruction of the State;—not simply the lesion of the Roman law, not merely the being disadvantageous or dangerous; for as he himself says, Section 158, "lesion cannot render a treaty invalid. It is his duty who enters into engagements, to weigh well all things before he concludes. He

may do with his property what he pleases. He may relinquish his rights or renounce his advantages, as he judges proper. The acceptant is not obliged to inform himself of his motives nor to weigh their just value. If we could free ourselves from a compact because we find ourselves injured by it, there would be nothing firm in the contracts of nations. Civil laws may set limits to lesion, and determine the degree capable of producing a nullity of the contract; but sovereigns acknowledge no judge. How establish lesion among them? Who will determine the degree sufficient to invalidate a treaty? The happiness and peace of nations require manifestly that their treaties should not depend on a means of nullity so vague and so dangerous."

Let us hear him again on the general subject of the observation of treaties, Section 163: "It is demonstrated in natural law that he who promises another, confers on him a perfect right to require the thing promised, and that consequently, not to observe a perfect promise is to violate the right of another; it is as manifest injustice as to plunder any one of their right. All the tranquillity, the happiness and security of mankind, rest on justice or the obligation to respect the rights of others. The respect of others for our right of domain and property is the security of our actual possessions. The faith of promises is the security for the things which cannot be delivered or executed on the spot. No more security, no more commerce among men, if they

think themselves not bound to preserve faith, to keep their word. This obligation, then, is as necessary as it is natural and indubitable among nations who live together in a state of nature, and who acknowledge no superior on earth. To maintain order and peace in their society, nations and their governors then ought to observe inviolably their promises and their treaties. This is a great truth, although too often neglected in practice, is generally acknowledged by all nations, the reproach of perfidy is a bitter affront among sovereigns. Now he who does not observe a treaty is assuredly perfidious, since he violates his faith. On the contrary, nothing is so glorious to a prince and his nation as the reputation of inviolable fidelity to his word." Again, Section 219, "Who will doubt that treaties are of the things sacred among nations? They decide matters the most important; they impose rules on the pretensions of sovereigns; they cause the rights of nations to be acknowledged; they assume their most precious interests. Among political bodies, sovereigns, who acknowledge no superior on earth, treaties are the only means of adjusting their different pretensions; of establishing a rule, to know on what to count, on what to depend. But treaties are but vain words, if nations do not consider them as respectable engagements, as rules inviolable for sovereigns, and sacred through the whole earth." Section 220: "The faith of treaties, that firm and sincere will, that invincible constancy in fulfilling

engagements, of which a declaration is made in a treaty, is then holy and sacred among nations, whose safety and repose it ensures; and if nations will not be wanting to themselves, they will load with infamy whoever violates his faith."

After evidence so copious and explicit of the respect of this author for the sanctity of treaties, we should hardly have expected that his authority would have been resorted to for a wanton invalidation of them whenever they should become merely *useless or disagreeable*. We should hardly have expected that, rejecting all the rest of his book, this scrap would have been culled and made the hook whereon to hang such a chain of immoral consequences. Had the passage accidentally met our eye, we should have imagined it had fallen from the author's pen under some momentary view, not sufficiently developed to found a conjecture what he meant, and we may certainly affirm that a fragment like this cannot weigh against the authority of all other writers; against the uniform and systematic doctrine of the very work from which it is torn; against the moral feelings and the reason of all honest men. If the terms of the fragment are not misunderstood, they are in full contradiction to all the written and unwritten evidences of morality. If they are misunderstood, they are no longer a foundation for the doctrines which have been built on them.

But even had this doctrine been as true as it is

manifestly false, it would have been asked, to whom is it that the treaties with France have become *disagreeable?* How will it be proved that they are *useless?*

The conclusion of the sentence suggests a reflection too strong to be suppressed, "for the party may say with truth that it would not have allied itself with this nation if it had been under the present form of its government." The republic of the United States allied itself with France when under a despotic government. She changes her government, and declares it shall be a republic; prepares a form of republic extremely free, and in the meantime is governing herself as such. And it is proposed that America shall declare the treaties void, because it may say with truth that it would not have allied itself with that nation if it had been under the present form of its government. Who is the American who can say with truth that he would not have allied himself to France if she had been a republic? Or that a republic of any form would be as *disagreeable* as her ancient despotism?

Upon the whole I conclude, that the treaties are still binding, notwithstanding the change of government in France; that no part of them but the clause of guarantee holds up *danger*, even at a distance, and consequently that a liberation from no other part would be prepared in any case; that if that clause may ever bring *danger*, it is neither extreme nor imminent, nor even probable that the authority

for renouncing a treaty, when *useless or disagreeable*, is either misunderstood or in opposition to itself, to all other writers, and to every moral feeling; that were it not so, these treaties are in fact neither useless nor disagreeable; that the receiving a minister from France at this time is an act of no significance with respect to the treaties, amounting neither to an admission nor denial of them, forasmuch as he comes not under any stipulation in them; that were it an explicit admission, or were it an express declaration of their obligation now to be made, it would not take from us that right which exists at all times, of liberating ourselves when an adherence to the treaties would be *ruinous* or *destructive* to the society; and that the not renouncing the treaties now is so far from being a breach of neutrality, that the doing it would be the breach, by giving just cause of war to France.

Opinion relative to granting of passports to American vessels.

May 3, 1793.

It has been stated in our treaties with the French, Dutch and Prussians, that when it happens that either party is at war, and the other neutral, the neutral shall give passports of a certain tenor to the *vessels belonging to their subjects*, in order to avoid dissension; and it has been thought that passports of such high import to the persons and property of

our citizens should have the highest sanction; that of the signature of the President, and seal of the United States. The authority of Congress also, in the case of sea letters to East India vessels, was in favor of this sanction. It is now become a question whether these passports shall be given only to ships *owned and built* in the United States, or may be given also to those *owned* in the United States, though *built* in foreign countries.

The persons and property of our citizens are entitled to the protection of our government in all places where they may lawfully go. No laws forbid a merchant to buy, own, and use a *foreign-built* vessel. She is, then, his lawful property, and entitled to the protection of his nation whenever he is lawfully using her.

The laws indeed, for the encouragement of ship building, have given to home-built vessels the exclusive privilege of being registered and paying lighter duties. To this privilege, therefore, the foreign-built vessel, though owned at home, does not pretend. But the laws have not said that they withdraw their protection from the foreign-built vessel. To this protection, then, she retains her title, notwithstanding the preference given to the home-built vessel as to duties. It would be hard indeed because the law has given one valuable right to home-built vessels, to infer that it had taken away all rights from those foreign-built.

In conformity with the idea that all the vessels of

a State are entitled to its protection, the treaties before mentioned have settled that passports shall be given, not merely to the vessels *built* in the United States, but to the vessels belonging to them; and when one of these nations shall take a vessel, if she has not such a passport, they are to conclude she does not *belong* to the United States, and is therefore lawful prize; so that to refuse these passports to foreign-built vessels *belonging* to our merchants, is to give them up to capture with their cargoes. The most important interests of the United States hang upon this question. The produce of the earth is their principal source of wealth. Our *home-built* vessels would suffice for the transportation of a very small part of this produce to market, and even a part of these vessels will be withdrawn by high premiums to other lines of business. All the rest of our produce, then, must remain on our hands, or have its price reduced by a war insurance. Many descriptions of our produce will not bear this reduction, and would, therefore, remain on hand.

We shall lose also a great proportion of the profits of navigation. The great harvest for these is when other nations are at war, and our flag neutral. But if we can augment our stock of shipping only by the slow process of building, the harvest will be over while we are only preparing instruments to reap it. The moment of breeding seamen will be lost for want of bottoms to embark them in.

France and Holland permit our vessels to be

neutralized with them; not even to suffer theirs to be purchased here might give them just cause to revoke the privilege of naturalization given to ours, and would inflict on the ship-building States and artizans a severe injury.

Objection. To protect foreign-built vessels will lessen the demand for ship building here.

Answer. Not at all; because as long as we can build cheaper than other nations, we shall be employed in preference to others; besides, shall we permit the greatest part of the produce of our fields to rot on our hands, or lose half its value by subjecting it to high insurance, merely that our ship builders may have brisker employ? Shall the whole mass of our farmers be sacrificed to the class of ship wrights?

Objection. There will be collusive transfers of foreign ships to our merchants, merely to obtain for them the cover of our passports.

Answer. The same objection lies to giving passports to home-built vessels. They may be owned, and are owned by foreigners, and may be collusively re-transferred to our merchants to obtain our passports. To lessen the danger of collusion, however, I should be for delivering passports in our own ports only. If they were to be sent blank to foreign ports to be delivered there, the power of checking collusion would be small, and they might be employed to cover purposes of no benefit to us (which we ought not to countenance), and to throw our vessels out

of business; but if issued only to vessels in our own ports, we can generally be certain that the vessel is our property; and always that the *cargo* is of our produce. State the case that it shall be found that all our shipping, home-built and foreign-built, is inadequate to the transportation of our produce to market; so that after all these are loaded, there shall yet remain produce on hand. This must be put into vessels owned by foreigners. Should these obtain collusively the protection of our passport, it will cover their *vessel* indeed, but it will cover also our *cargo*. I repeat it then, that if the issuing passports be confined to our ports, it will be our own *vessels* for the most part, and always our *cargoes* which will be covered by them.

I am, therefore, of opinion, that passports ought to be issued to all vessels *belonging* to citizens of the United States, but only on their clearing out from our own ports, and for that voyage only.

Opinion relative to case of a British vessel captured by a French vessel, purchased by French citizens, and fitted out as a Privateer in one of our ports.

May 16, 1793.

The facts suggested, or to be taken for granted, because the contrary is not known, in the case now to be considered, are, that a vessel was purchased at Charleston, and fitted out as a privateer by French citizens, manned with foreigners chiefly, but partly

with citizens of the United States. The command given to a French citizen by a regular commission from his government; that she has made prize of an English vessel in the open sea, and sent her into Philadelphia. The British minister demands restitution, and the question is, whether the Executive of the United States shall undertake to make it?

This transaction may be considered, 1st, as an offence against the United States; 2d, as an injury to Great Britain.

In the first view it is not now to be taken up. The opinion being, that it has been an act of disrespect to the jurisdiction of the United States, of which proper notice is to be taken at a proper time.

Under the second point of view, it appears to me wrong on the part of the United States (where not constrained by treaties) to permit one party in the present war to do what cannot be permitted to the other. We cannot permit the enemies of France to fit out privateers in our ports, by the 22d article of our treaty. We ought not, therefore, to permit France to do it; the treaty leaving us free to refuse, and the refusal being necessary to preserve a fair neutrality. Yet considering that the present is the first case which has arisen; that it has been in the first moment of the war, in one of the most distant ports of the United States, and before measures could be taken by the government to meet all the cases which may flow from the infant state of our government, and novelty of our position, it ought

to be placed by Great Britain among the accidents of loss to which a nation is exposed in a state of war, and by no means as a premeditated wrong on the part of the government. In the last light it cannot be taken, because the act from which it results placed the United States with the offended, and not the offending party. Her minister has seen himself that there could have been on our part neither permission nor connivance. A very moderate apology then from the United States ought to satisfy Great Britain.

The one we have made already is ample, to wit, a pointed disapprobation of the transaction, a promise to prosecute and punish according to law such of our citizens as have been concerned in it, and to take effectual measures against a repetition. To demand more would be a wrong in Great Britain; for to demand satisfaction *beyond* what is adequate, is wrong. But it is proposed further to take the prize from the captors and restore her to the English. This is a very serious proposition.

The dilemma proposed in our conferences, appears to me unanswerable. Either the commission to the commander of the privateer was good, or not good. If not good, then the tribunals of the country will take cognizance of the transaction, receive the demand of the former owner, and make restitution of the capture; and there being, on this supposition, regular remedy at law, it would be irregular for the government to interpose. If the commission be

good, then the capture having been made on the high seas, under a valid commission from a power at war with Great Britain, the British owner has lost all his right, and the prize would be deemed good, even in his own courts, were the question to be brought before his own courts. He has now no more claim on the vessel than any stranger would have who never owned her, his whole right being transferred by the laws of war to the captor.

The legal right then being in the captors, on what ground can we take it from him? Not on that of *right*, for the right has been transferred to him. It can only be by an act of *force*, that is to say, of reprisal for the offence committed against us in the port of Charleston. But the making reprisal on a nation is a very serious thing. Remonstrance and refusal of satisfaction ought to precede; and when reprisal follows, it is considered as an act of war, and never yet failed to produce it in the case of a nation able to make war; besides, if the case were important enough to require reprisal, and ripe for that step, Congress must be called on to take it; the right of reprisal being expressly lodged with them by the Constitution, and not with the Executive.

I therefore think that the satisfaction already made to the *government* of Great Britain is quite equal to what ought to be desired in the present case; that the property of the British *owner* is transferred by the laws of war to the *captor;* that for us to take it from the captor would be an act of force

or reprisal, which the circumstances of the case do not justify, and to which the powers of the Executive are not competent by the Constitution.

Opinion on the proposition of the Secretary of the Treasury to open a new Loan.

June 5, 1793.

Instructions having been given to borrow two millions of florins in Holland, and the Secretary of the Treasury proposing to open a further loan of three millions of florins, which he says "a comprehensive view of the affairs of the United States, in various relations, appears to him to recommend," the President is pleased to ask whether I see any objections to the proposition?

The power to borrow money is confided to the President by the two acts of the 4th and 12th of August, 1790, and the monies, when borrowed, are appropriated to two purposes only; to wit, the twelve millions to be borrowed under the former, are appropriated to discharge the arrears of interest and instalments of the foreign debt; and the two millions, under the latter, to the purchase of the public debt, under direction of the trustees of the sinking fund.

These appropriations render very simple the duties of the President in the discharge of this trust. He has only to look to the *payment* of the foreign debt, and the purchase of the general one. And in order to judge for himself of the necessity of the loan

proposed for effecting these two purposes, he will need from the treasury the following statements:

A. A statement of the nett amount of the loans already made under these acts, adding to that the two millions of florins now in course of being borrowed. This will form the *debit* of the trust.

The *credit* side of the account will consist of the following statements, to wit:—

B. Amount of the principal and interest of foreign debt, paid and payable, to the close of 1792.

C. Ditto, payable to the close of 1793.

D. Ditto, payable to the close of 1794 (for I think our preparations should be a year beforehand).

E. Amount of monies necessary for the sinking fund to the end of 1794.

If the amount of the four last articles exceeds the first, it will prove a further loan necessary, and to what extent.

The treasury alone can furnish these statements with perfect accuracy. But to show that there is probable cause to go into the examination, I will hazard a statement from materials which, though perhaps not perfectly exact, are not much otherwise.

Report of January 3, 1793. New Edition.

Dr.

The trust for loans.

A.	To nett amount of loans to June 1, 1792, as stated in the treasury report, to wit, 18,678,000 florins, at 99 florins to $40, the treasury exchange	$7,545,912
	To loan now going on for 2,000,000 florins	808,080
		$8,353,992

Cr.

	Florins.		
B. By charges on remittances to France..	10,073 1		
By reimbursement to Spain.....	680,000		
By interest paid to foreign officers	105,000		
	795,093 1	= $321,239	46
By principal paid to foreign officers...		191,316	90
By amount of French debt, principal	Livres.		
and interest, payable to end of 1791.	26,000,000		
By ditto, for 1792.....	3,450,000		
	29,450,000	= 5,345,171	
C. By ditto, for 1793	3,410,000	= 618,915	
D. By ditto, for 1794	3,250,00	= 569,875	
E. By necessary for sinking fund at $50,-			
000 a month, from July 1, 1793, to			
Dec. 31, 1794		900,000	
Balance which will remain in hands of			
the trust, at end of 1794		387,474	64
		$8,353,992	00

So that instead of an additional loan being necessary, the monies already borrowed will suffice for all the purposes to which they can be legally applied to the end of 1794, and leave a surplus of $387,474.64 to cover charges and errors. And as, on account of the unsettled state of the French government, it is not proposed to pay in advance, or but little so, any further sum would be lying at a dead interest and risk. Perhaps it might be said that new monies must be borrowed for the current domestic service of the year. To this I should answer, that no law has authorized the opening of a loan for this purpose.

If it should be said that the monies heretofore borrowed are so far put out of our power that we

cannot command them before an instalment will be due, I should answer, that certainly I would rather borrow than fail in a payment; but if borrowing will secure a payment in time, the two millions of florins now borrowing are sufficient to secure it. If we cannot get this sum in time, then we cannot get an additional sum in time.

The above account might be stated in another way, which might, perhaps, be more satisfactory, to wit:

Dr.

The trust for loans.

To nett amount of loans to June 1, 1792. 18,678,000 florins, at 99 florins to $40		$7,545,912

Cr.

	Florins.		
By charges on remittances to France	10,073 1		
By reimbursement to Spain	680,000		
By interest paid to foreign officers	105,000		
	795,073 1	= $321,239	46
By principal paid to foreign officers		191,316	90
By payments to France	10,073,043 8	= 4,069,918	54
	Livres.		
By ditto to St. Domingo	4,000,000	= 726,000	
By ditto to do.	3,000,000	= 544,500	
By do. to Mr. Ternant [I state this by memory]	24,000	= 4,356	
Balance in hand to be carried to new debit		1,688,581	10
		$7,545,912	00

Dr.

The trust for loans.

To balance as per contra	$1,688,581	10
To two millions of florins, new loan, when effected.	808,080	
	$2,496,661	10

Cr.

By the following payments when made, to wit:			
Balance due to France, to close of year 1792 ($5,345,171—$5,344,774 54)	Livres.		$396 46
Instalments and interest to close of year 1793	3,410,000	=	618 915
do. do. 1794	3,250,000	=	589,875
Necessary for sinking fund from July 1, 1793, to December 31, 1794 ..			900,000
Balance will then be in hand to be carried to new debit			387,474 64
			$2,496,661 10

By this statement, it would seem as if all the payments to France, hitherto made and ordered, would not acquit the year 1792. So that we have never yet been clear of arrears to her.

The amount of the French debt is stated according to the convention, and the interest is calculated accordingly. Interest on the ten million loan is known to have been paid for the years 1784, 1785, and is therefore deducted. It is not known whether it was paid on the same loan for the years 1786–7–8–9, previous to the payment of December 3, 1790, or whether it was included in that payment; therefore this is not deducted. But if, in fact, it was paid before that day, it will then have lessened the debt so much, to wit, 400,000 livres a year, for four years, making 1,600,000 florins, equal to $290,400, which sum would put us in advance near half of the instalments of 1793. Note,—livres are estimated at $\frac{18}{100}$

cents, proposed by the Secretary of the Treasury to the French ministry as the par of the metals, to be the rate of conversion.

This uncertainty with respect to the true state of our account with France, and the difference of the result from what has been understood, shows that the gentlemen who are to give opinions on this subject, must do it in the dark, and suggests to the President the propriety of having an exact statement of the account with France communicated to them, as the ground on which they are to give opinions. It will probably be material in that about to be given on the late application of Mr. Genet, on which the Secretary of the Treasury is preparing a report.

Opinion relative to the policy of a new loan.

June 17, 1793.

I cannot see my way clear in the case which the President has been pleased to ask my opinion, but by recurring to these leading questions:

Of the $7,898,999 88 borrowed, or rather of the $7,545,912, nett proceeds thereof, how much has been applied to the *payment* of the *foreign*, and *purchase* of the *general* debt?

To the balance thereof, which should be on hand, and the two millions of florins now borrowing, is any and what addition necessary, *for the same objects*, for the years 1793, 1794?

The statement furnished by the Secretary of the Treasury does not answer these questions. It only shows what has been done with somewhat less than three millions out of near eight millions of dollars which have been borrowed, and in so doing it takes credit for two sums which are not to come out of this sum, and therefore not to be left in the account. They are the following:

1. A sum of $284,901.89 expended in purchases of the public debt. In the general report of the trustees of the sinking fund, made to Congress the 23d of February last, and printed, it appears, page 29, that the whole amount of monies laid out by them was $1,302,407.64, from which were to be deducted, as is mentioned in the note there subjoined, the purchases made out of the interest fund (then about $50,000 as well as I recollect). Call the sum paid then $1,252,407.64. By the Treasury report, p. 38, (new edition,) it appears that the surplus of domestic revenue to the end of 1790, appropriated to this object, was $1,374,656.40, and p. 34, that the monies drawn from Europe on account of the foreign loans, were not the instrument of these purchases; and in some part, to which I am not able just now to turn, I recollect pretty certainly that it is said these purchases were actually carried to account, as was proper, against the domestic surplus, consequently they are not to be allowed in the foreign account also. Or if allowed in this, the sum will then be due from the surplus account, and so

must lessen the sum to be borrowed for the sinking fund, which amounts to the same.

2. The first instalment due to the bank $200,000. Though the first payment of the subscription of the United States to the bank might have been made, in the first instant, out of the foreign monies to be immediately repaid to them by the money borrowed of the bank, yet this useless formality was avoided, and it was a mere operation of the pen on paper, without the displacement of a single dollar. See reports p. 12. And, in any event, the final reimbursement was never to be made out of the foreign fund, which was appropriated solely to the *payment* of the *foreign*, and *purchase* of the *general* debt.

These two sums, therefore, of $284,901.89 and $200,000 are to be added to the balance of $575,-484.28 subject to future disposition, and will make $1,050,386.17 actually here, and still to be applied to the proper appropriation.

However, this account, as before observed, being only of a part of the monies borrowed, no judgment can be formed from it of the expediency of borrowing more; nor should I have stopped to make a criticism on it, but to show why no such sums as the two above mentioned, were inserted in the general account sketched for the President, June 5. I must add that the miscellaneous sum of $49,400 in this account, is probably covered by some other articles of that as far as it is chargeable on this fund; because that account, under one form or another, takes up

all the articles chargeable on this fund which had appeared in the printed reports.

I must, therefore, proceed to renew my statement of June 5, inserting therein the first instalment of the Dutch loan of $404,040.40 payable this month, which not having been mentioned in any of the reports heretofore published, was not inserted in my statement. I will add a like sum for the year 1794, because I think we should now prepare for the whole of that year.

As the Secretary of the Treasury does not seem to contemplate the furnishing any fixed sum for the sinking fund, I shall leave that article out of the account. The President can easily add to its result any sum he may decide to have furnished to that fund. The account, so corrected, will stand thus:

Dr.

The trust for loans.

To nett amount of loans to June 1, 1792.....		$7,545,912
To loan now going on for 2,000,000 florins.....		808,080
		$8,353,992

Cr.

	Florins.		
By charges on remittances to France.	10,073	1	
By reimbursement to Spain.....	680,000		
By interest paid to foreign officers...	105,000		
	795,073	1	= $321,239 46
By principal paid to foreign officers..			191,316 90
By amount of French debt, principal	Livres.		
and interest, payable to end of 1791	26,000,000		
By ditto for 1792.....	3,450,000		
	29,450,000		= 5,345,171

	Livres.		
By ditto for 1793.....	3,410,000	=	618,915
By 1st instalment of Dutch debt due June, 1793.....			404,040 40
By instalments and interest to France for 1794.....	3,250,000	=	569,875
By instalment to Holland for 1794...			404,040 40
Balance will then remain in hands of the trust,.....			499,393 84
			$8,353,992 00

So that it appears there would be a balance in the hands of this trust, at the close of 1794, of $499,-393.84, were no monies to be furnished in the mean-time to the sinking fund; but should the President determine to furnish that with the $900,000 proposed in my statement of June 5, then a loan would be necessary for about $400,000, say in near round numbers, 1,000,000 of guilders, in addition to the 2,000,000 now borrowing. I am, *individually*, of opinion that that sum ought to be furnished to the sinking fund, and consequently that an additional loan, to this extent, should be made, considering the subject in a *legal point of view* only.

The reasons in favor of the extension are,

The apprehension of the extension of our war to other Indian nations, and perhaps to Europe itself.

The disability this might produce to borrow at all, [this is, in my judgment, a weighty consideration].

The possibility that the government of France may become so settled as that we may hazard the anticipation of payment, and so avoid dead interest.

The reasons against it are,

The possibility that France may continue, for some time yet, so unsettled as to render an anticipation of payments hazardous.

The risk of losing the capital borrowed by a successful invasion of the country of deposit, if it be left in Europe; or by an extension of the bankruptcies now shaking the most solid houses; and when and where they will end we know not.

The loss of interest on the dead sum, if the sum itself be safe.

The execution of a power for one object, which was given to be executed but for a very different one.

The commitment of the President, on this account, to events, or to the criticisms of those who, though the measures should be perfectly wise, may misjudge it through error or passion.

The apprehension that the head of the department means to provide idle money to be lodged in the banks ready for the corruption of the next legislature, as it is believed the late ones were corrupted, by gratifying particular members with vast discounts for objects of speculation.

I confess that the last reasons have most weight with me.

Report on the privileges and restrictions on the commerce of the United States in foreign countries.

December 16, 1793.

Sir,—According to the pleasure of the House of Representatives, expressed in their resolution of February 23, 1791, I now lay before

them a report on the privileges and restrictions on the commerce of the United States in foreign countries. In order to keep the subject within those bounds which I supposed to be under the contemplation of the House, I have restrained my statements to those countries only with which we carry on a commerce of some importance, and to those articles also of our produce which are of sensible weight in the scale of our exports; and even these articles are sometimes grouped together, according to the degree of favor or restriction with which they are received in each country, and that degree expressed in general terms without detailing the exact duty levied on each article. To have gone fully into these minutiæ, would have been to copy the tariffs and books of rates of the different countries, and to have hidden, under a mass of details, those general and important truths, the extraction of which, in a simple form, I conceived would best answer the inquiries of the House, by condensing material information within those limits of time and attention, which this portion of their duties may justly claim. The plan, indeed, of minute details which have been impracticable with some countries, for want of information.

Since preparing this report, which was put into its present form in time to have been given in to the last session of Congress, alterations of the conditions of our commerce with some foreign nations have taken place—some of them independent of war; some arising out of it.

France has proposed to enter into a new treaty of commerce with us, on liberal principles; and has, in the meantime, relaxed some of the restraints mentioned in the report. Spain has, by an ordinance of June last, established New Orleans, Pensacola, and St. Augustine into free ports, for the vessels of friendly nations *having treaties of commerce* with her, provided they touch for a permit at Corcubion in Gallicia, or at Alicant; and our rice is, by the same ordinance, excluded from that country. The circumstances of war have necessarily given us freer access to the West Indian islands, whilst they have also drawn on our navigation vexations and depredations of the most serious nature.

To have endeavored to describe all these, would have been as impracticable as useless, since the scenes would have been shifting while under description. I therefore think it best to leave the report as it was formed, being adapted to a particular point of time, when things were in their settled order, that is to say, to the summer of 1792. I have the honor to be, &c.

To the Speaker of the House of Representatives of the United States of America.

The Secretary of State, to whom was referred, by the House of Representatives, the report of a committee on the written message of the President of the United States, of the 14th of February, 1791, with instruction to report to Congress the nature and extent of the privileges and restrictions of the commercial intercourse of the United States with foreign nations, and the measures which he should think proper to be adopted for the improvement of the commerce and navigation of the same, has had the same under consideration, and thereupon makes the following Report:

The countries with which the United States have their chief commercial intercourse are Spain, Portugal, France, Great Britain, the United Netherlands, Denmark, and Sweden, and their American possessions; and the articles of export, which constitute the basis of that commerce, with their respective amounts, are,

Bread-stuff, that is to say, bread grains, meals, and bread, to the annual amount of	$7,649,887
Tobacco	4,349,567
Rice	1,753,796
Wood	1,263,534
Salted fish	941,696
Pot and pearl ash	839,093
Salted meats	599,130
Indigo	537,379
Horses and mules	339,753
Whale oil	252,591
Flax seed	236,072
Tar, pitch and turpentine	217,177
Live provisions	137,743
Ships	
Foreign goods	620,274

To descend to articles of smaller value than these, would lead into a minuteness of detail neither necessary nor useful to the present object.

The proportions of our exports, which go to the nations before mentioned, and to their dominions, respectively, are as follows:

To Spain and its dominions	$2,005,907
Portugal and its dominions	1,283,462
France and its dominions	4,698,735
Great Britain and its dominions	9,363,416
The United Netherlands and their dominions	1,963,880
Denmark and its dominions	224,415
Sweden and its dominions	47,240

Our imports from the same countries, are,

Spain and its dominions	335,110
Portugal and its dominions	595,763
France and its dominions	2,068,348
Great Britain and its dominions	15,285,428
United Netherlands and their dominions	1,172,692
Denmark and its dominions	351,364
Sweden and its dominions	14,325

These imports consist mostly of articles on which industry has been exhausted.

Our *navigation*, depending on the same commerce, will appear by the following statement of the tonnage of our own vessels, entering in our ports, from those several nations and their possessions, in one year; that is to say; from October, 1789, to September, 1790, inclusive, as follows:

	Tons.
Spain	19,695
Portugal	23,576
France	116,410
Great Britain	43,580
United Netherlands	58,858
Denmark	14,655
Sweden	750

Of our commercial objects, Spain receives favorably our bread-stuff, salted fish, wood, ships, tar, pitch, and turpentine. On our meals, however, as well as on those of other foreign countries, when reexported to their colonies, they have lately imposed duties of from half-a-dollar to two dollars the barrel, the duties being so proportioned to the current price of their own flour, as that both together are to make the constant sum of nine dollars per barrel.

They do not discourage our rice, pot and pearl ash, salted provisions, or whale oil; but these articles, being in small demand at their markets, are carried thither but in a small degree. Their demand for rice, however, is increasing. Neither tobacco nor indigo are received there. Our commerce is permitted with their Canary islands under the same conditions.

Themselves, and their colonies, are the actual consumers of what they receive from us.

Our navigation is free with the kingdom of Spain; foreign goods being received there in our ships on the same conditions as if carried in their own, or in the vessels of the country of which such goods are the manufacture or produce.

Portugal receives favorably our grain and bread, salted fish, and other salted provisions, wood, tar, pitch, and turpentine.

For flax-seed, pot and pearl ash, though not discouraged, there is little demand.

Our ships pay 20 per cent. on being sold to their subjects, and are then free-bottoms.

Foreign goods (except those of the East Indies) are received on the same footing in our vessels as in their own, or any others; that is to say, on general duties of from 20 to 28 per cent., and, consequently, our navigation is unobstructed by them. Tobacco, rice, and meals, are prohibited.

Themselves and their colonies consume what they receive from us.

These regulations extend to the Azores, Madeira, and the Cape de Verd islands, except that in these, meals and rice are received freely.

France receives favorably our bread-stuffs, rice, wood, pot and pearl ashes.

A duty of 5 sous the quintal, or nearly 4½ cents, is paid on our tar, pitch, and turpentine. Our whole oils pay 6 livres the quintal, and are the only foreign whale oils admitted. Our indigo pays 5 livres the quintal, their own 2½; but a difference of quality, still more than a difference of duty, prevents its seeking that market.

Salted beef is received freely for re-exportation; but if for home consumption, it pays five livres the quintal. Other salted provisions pay that duty in

all cases, and salted fish is made lately to pay the prohibitory one of twenty livres the quintal.

Our ships are free to carry thither all foreign goods which may be carried in their own or any other vessels, except tobaccoes not of our own growth; and they participate with theirs the exclusive carriage of our whale oils and tobaccoes.

During their former government, our tobacco was under a monopoly, but paid no duties; and our ships were freely sold in their ports, and converted into national bottoms. The first national assembly took from our ships this privilege. They emancipated tobacco from its monopoly, but subjected it to duties of eighteen livres, fifteen sous the quintal, carried in their own vessels, and five livres carried in ours—a difference more than equal to the freight of the article.

They and their colonies consume what they receive from us.

Great Britain receives our pot and pearl ashes free, whilst those of other nations pay a duty of two shillings and three pence the quintal. There is an equal distinction in favor of our bar iron; of which article, however, we do not produce enough for our own use. Woods are free from us, whilst they pay some small duty from other countries. Indigo and flax seed are free from all countries. Our tar and pitch pay eleven pence, sterling, the barrel. From other alien countries they pay about a penny and a third more.

Our tobacco, for their own consumption, pays one shilling and three pence, sterling, the pound, custom and excise, besides heavy expenses of collection; and rice, in the same case, pays seven shillings and fourpence, sterling, the hundred weight; which, rendering it too dear, as an article of common food, it is consequently used in very small quantity.

Our salted fish and other salted provisions, except bacon, are prohibited. Bacon and whale oils are under prohibitory duties; so are our grains, meals, and bread, as to internal consumption, unless in times of such scarcity as may raise the price of wheat to fifty shillings, sterling, the quarter, and other grains and meals in proportion.

Our ships, though purchased and navigated by their own subjects, are not permitted to be used, even in their trade with us.

While the vessels of other nations are secured by standing laws, which cannot be altered but by the concurrent will of the three branches of the British legislature, in carrying thither any produce or manufacture of the country to which they belong, which may be lawfully carried in any vessels, ours, with the same prohibition of what is foreign, are further prohibited by a standing law, (12 Car. 2, 18, sect. 3,) from carrying thither all and any of our own domestic productions and manufactures. A subsequent act, indeed, has authorized their executive to permit the carriage of our own productions in our own bottoms, at its sole discretion; and the permission

has been given from year to year by proclamation, but subject every moment to be withdrawn on that single will; in which event, our vessels having anything on board, stand interdicted from the entry of all British ports. The disadvantage of a tenure which may be so suddenly discontinued, was experienced by our merchants on a late occasion,[1] when an official notification that this law would be strictly enforced, gave them just apprehensions for the fate of their vessels and cargoes despatched or destined for the ports of Great Britain. The minister of that court, indeed, frankly expressed his personal conviction, that the words of the order went farther than was intended, and so he afterwards officially informed us; but the embarrassments of the moment were real and great; and the possibility of their renewal lays our commerce to that country under the same species of discouragement as to other countries, where it is regulated by a single legislator; and the distinction is too remarkable not to be noticed, that our navigation is excluded from the security of fixed laws, while that security is given to the navigation of others.

Our vessels pay in their ports one shilling and nine pence, sterling, per ton, light and trinity dues, more than is paid by British ships, except in the port of London, where they pay the same as British.

The greater part of what they receive from us, is re-exported to other countries under the useless

[1] April 12, 1792.

charges of an intermediate deposit, and double voyage. From tables published in England, and composed, as is said, from the books of their custom houses, it appears, that of the indigo imported there in the years 1773, '4, '5, one-third was re-exported; and from a document of authority, we learn, that of the rice and tobacco imported there before the war, four-fifths were re-exported. We are assured, indeed, that the quantities sent thither for re-exportation since the war, are considerably diminished, yet less so than reason and national interest would dictate. The whole of our grain is re-exported when wheat is below fifty shillings the quarter, and other grains in proportion.

The *United Netherlands* prohibit our pickled beef and pork, meals and bread of all sorts, and lay a prohibitory duty on spirits distilled from grain.

All other of our productions are received on varied duties, which may be reckoned, on a medium, at about three per cent.

They consume but a small proportion of what they receive. The residue is partly forwarded for consumption in the inland parts of Europe, and partly re-shipped to other maritime countries. On the latter portion they intercept between us and the consumer, so much of the value as is absorbed in the charges attending an intermediate deposit.

Foreign goods, except some East India articles, are received in vessels of any nation.

Our ships may be sold and neutralized there, with

exceptions of one or two privileges, which somewhat lessen their value.

Denmark lays considerable duties on our tobacco and rice, carried in their own vessels, and half as much more, if carried in ours; but the exact amount of these duties is not perfectly known here. They lay such as amount to prohibitions on our indigo and corn.

Sweden receives favorably our grains and meals, salted provisions, indigo, and whale oil.

They subject our rice to duties of sixteen mills the pound weight, carried in their own vessels, and of forty per cent. additional on that, or twenty-two and four-tenths mills, carried in ours or any others. Being thus rendered too dear as an article of common food, little of it is consumed with them. They consume some of our tobaccoes, which they take circuitously through Great Britain, levying heavy duties on them also; their duties of entry, town duties, and excise, being 4.34 dollars the hundred weight, if carried in their own vessels, and of forty per cent. on that additional, if carried in our own or any other vessels.

They prohibit altogether our bread, fish, pot and pearl ashes, flax-seed, tar, pitch, and turpentine, wood, (except oak timber and masts,) and all foreign manufactures.

Under so many restrictions and prohibitions, our navigation with them is reduced to almost nothing.

With our neighbors, an order of things much harder presents itself.

Spain and *Portugal* refuse, to all those parts of America which they govern, all direct intercourse with any people but themselves. The commodities in mutual demand between them and their neighbors, must be carried to be exchanged in some port of the dominant country, and the transportation between that and the subject state, must be in a domestic bottom.

France, by a standing law, permits her West India possessions to receive directly our vegetables, live provisions, horses, wood, tar, pitch, turpentine, rice, and maize, and prohibits our other bread-stuff; but a suspension of this prohibition having been left to the colonial legislatures, in times of scarcity, it was formerly suspended occasionally, but latterly without interruption.

Our fish and salted provisions (except pork) are received in their islands under a duty of three colonial livres the quintal, and our vessels are as free as their own to carry our commodities thither, and to bring away rum and molasses.

Great Britain admits in her islands our vegetables, live provisions, horses, wood, tar, pitch, and turpentine, rice and bread-stuff, by a proclamation of her executive, limited always to the term of a year, but hitherto renewed from year to year. She prohibits our salted fish and other salted provisions. She does not permit our vessels to carry thither our own produce. Her vessels alone may take it from us, and bring in exchange rum, molasses, sugar, coffee, cocoa-

nuts, ginger, and pimento. There are, indeed, some freedoms in the island of Dominica, but, under such circumstances, as to be little used by us. In the British continental colonies, and in Newfoundland, all our productions are prohibited, and our vessels forbidden to enter their ports. Their governors, however, in times of distress, have power to permit a temporary importation of certain articles in their own bottoms, but not in ours.

Our citizens cannot reside as merchants or factors within any of the British plantations, this being expressly prohibited by the same statute of 12 Car. 2, c. 18, commonly called the navigation act.

In the *Danish American* possessions a duty of 5 per cent. is levied on our corn, corn meal, rice, tobacco, wood, salted fish, indigo, horses, mules and live stock, and of 10 per cent. on our flour, salted pork and beef, tar, pitch and turpentine.

In the American islands of the *United Netherlands* and Sweden, our vessels and produce are received, subject to duties, not so heavy as to have been complained of; but they are heavier in the Dutch possessions on the continent.

To sum up these restrictions, so far as they are important:

First. In Europe—

Our bread stuff is at most times under prohibitory duties in England, and considerably dutied on reexportation from Spain to her colonies.

Our tobaccoes are heavily dutied in England,

Sweden and France, and prohibited in Spain and Portugal.

Our rice is heavily dutied in England and Sweden, and prohibited in Portugal.

Our fish and salted provisions are prohibited in England, and under prohibitory duties in France.

Our whale oils are prohibited in England and Portugal.

And our vessels are denied naturalization in England, and of late in France.

SECOND. In the West Indies—

All intercourse is prohibited with the possessions of Spain and Portugal.

Our salted provisions and fish are prohibited by England.

Our salted pork and bread stuff (except maize) are received under temporary laws only, in the dominions of France, and our salted fish pays there a weighty duty.

THIRD. In the article of navigation—

Our own carriage of our own tobacco is heavily dutied in Sweden, and lately in France.

We can carry no article, not of our own production, to the British ports in Europe. Nor even our own produce to her American possessions.

Such being the restrictions on the commerce and navigation of the United States; the question is, in what way they may best be removed, modified or counteracted?

As to commerce, two methods occur. 1. By

friendly arrangements with the several nations with whom these restrictions exist: Or, 2. By the separate act of our own legislatures for countervailing their effects.

There can be no doubt but that of these two, friendly arrangement is the most eligible. Instead of embarrassing commerce under piles of regulating laws, duties and prohibitions, could it be relieved from all its shackles in all parts of the world, could every country be employed in producing that which nature has best fitted it to produce, and each be free to exchange with others mutual surplusses for mutual wants, the greatest mass possible would then be produced of those things which contribute to human life and human happiness; the numbers of mankind would be increased, and their condition bettered.

Would even a single nation begin with the United States this system of free commerce, it would be advisable to begin it with that nation; since it is one by one only that it can be extended to all. Where the circumstances of either party render it expedient to levy a revenue, by way of impost, on commerce, its freedom might be modified, in that particular, by mutual and equivalent measures, preserving it entire in all others.

Some nations, not yet ripe for free commerce in all its extent, might still be willing to mollify its restrictions and regulations for us, in proportion to the advantages which an intercourse with us might offer. Particularly they may concur with us in

reciprocating the duties to be levied on each side, or in compensating any excess of duty by equivalent advantages of another nature. Our commerce is certainly of a character to entitle it to favor in most countries. The commodities we offer are either necessaries of life, or materials for manufacture, or convenient subjects of revenue; and we take in exchange, either manufactures, when they have received the last finish of art and industry, or mere luxuries. Such customers may reasonably expect welcome and friendly treatment at every market. Customers, too, whose demands, increasing with their wealth and population, must very shortly give full employment to the whole industry of any nation whatever, in any line of supply they may get into the habit of calling for from it.

But should any nation, contrary to our wishes, suppose it may better find its advantage by continuing its system of prohibitions, duties and regulations, it behooves us to protect our citizens, their commerce and navigation, by counter prohibitions, duties and regulations, also. Free commerce and navigation are not to be given in exchange for restrictions and vexations; nor are they likely to produce a relaxation of them.

Our navigation involves still higher considerations. As a branch of industry, it is valuable, but as a resource of defence, essential.

Its value, as a branch of industry, is enhanced by the dependence of so many other branches on it.

In times of general peace it multiplies competitors for employment in transportation, and so keeps that at its proper level; and in times of war, that is to say, when those nations who may be our principal carriers, shall be at war with each other, if we have not within ourselves the means of transportation, our produce must be exported in belligerent vessels, at the increased expense of war-freight and insurance, and the articles which will not bear that, must perish on our hands.

But it is as a resource of defence that our navigation will admit neither neglect nor forbearance. The position and circumstances of the United States leave them nothing to fear on their land-board, and nothing to desire beyond their present rights. But on their seaboard, they are open to injury, and they have there, too, a commerce which must be protected. This can only be done by possessing a respectable body of citizen-seamen, and of artists and establishments in readiness for ship-building.

Were the ocean, which is the common property of all, open to the industry of all, so that every person and vessel should be free to take employment wherever it could be found, the United States would certainly not set the example of appropriating to themselves, exclusively, any portion of the common stock of occupation. They would rely on the enterprise and activity of their citizens for a due participation of the benefits of the seafaring business, and for keeping the marine class of citizens equal to their

object. But if particular nations grasp at undue shares, and, more especially, if they seize on the means of the United States, to convert them into aliment for their own strength, and withdraw them entirely from the support of those to whom they belong, defensive and protecting measures become necessary on the part of the nation whose marine resources are thus invaded; or it will be disarmed of its defence; its productions will lie at the mercy of the nation which has possessed itself exclusively of the means of carrying them, and its politics may be influenced by those who command its commerce. The carriage of our own commodities, if once established in another channel, cannot be resumed in the moment we may desire. If we lose the seamen and artists whom it now occupies, we lose the present means of marine defence, and time will be requisite to raise up others, when disgrace or losses shall bring home to our feelings the error of having abandoned them. The materials for maintaining our due share of navigation, are ours in abundance. And, as to the mode of using them, we have only to adopt the principles of those who put us on the defensive, or others equivalent and better fitted to our circumstances.

The following principles, being founded in reciprocity, appear perfectly just, and to offer no cause of complaint to any nation:

1. Where a nation imposes high duties on our productions, or prohibits them altogether, it may

be proper for us to do the same by theirs; first burdening or excluding those productions which they bring here, in competition with our own of the same kind; selecting next, such manufactures as we take from them in greatest quantity, and which, at the same time, we could the soonest furnish to ourselves, or obtain from other countries; imposing on them duties lighter at first, but heavier and heavier afterwards as other channels of supply open. Such duties having the effect of indirect encouragement to domestic manufactures of the same kind, may induce the manufacturer to come himself into these States, where cheaper subsistence, equal laws, and a vent of his wares, free of duty, may ensure him the highest profits from his skill and industry. And here, it would be in the power of the State governments to co-operate essentially, by opening the resources of encouragement which are under their control, extending them liberally to artists in those particular branches of manufacture for which their soil, climate, population and other circumstances have matured them, and fostering the precious efforts and progress of *household* manufacture, by some patronage suited to the nature of its objects, guided by the local informations they possess, and guarded against abuse by their presence and attentions. The oppressions on our agriculture, in foreign ports, would thus be made the occasion of relieving it from a dependence on the councils and conduct of others, and of promoting arts, manufactures and population at home.

2. Where a nation refuses permission to our merchants and factors to reside within certain parts of their dominions, we may, if it should be thought expedient, refuse residence to theirs in any and every part of ours, or modify their transactions.

3. Where a nation refuses to receive in our vessels any productions but our own, we may refuse to receive, in theirs, any but their own productions. The first and second clauses of the bill reported by the committee, are well formed to effect this object.

4. Where a nation refuses to consider any vessel as ours which has not been built within our territories, we should refuse to consider as theirs, any vessel not built within their territories.

5. Where a nation refuses to our vessels the carriage even of our own productions, to certain countries under their domination, we might refuse to theirs of every description, the carriage of the same productions to the same countries. But as justice and good neighborhood would dictate that those who have no part in imposing the restriction on us, should not be the victims of measures adopted to defeat its effect, it may be proper to confine the restriction to vessels owned or navigated by any subjects of the same dominant power, other than the inhabitants of the country to which the said productions are to be carried. And to prevent all inconvenience to the said inhabitants, and to our own, by too sudden a check on the means of transportation, we may continue to admit the vessels marked for

future exclusion, on an advanced tonnage, and for such length of time only, as may be supposed necessary to provide against that inconvenience.

The establishment of some of these principles by Great Britain, alone, has already lost us in our commerce with that country and its possessions, between eight and nine hundred vessels of near 40,000 tons burden, according to statements from official materials, in which they have confidence. This involves a proportional loss of seamen, shipwrights, and shipbuilding, and is too serious a loss to admit forbearance of some effectual remedy.

It is true we must expect some inconvenience in practice from the establishment of discriminating duties. But in this, as in so many other cases, we are left to choose between two evils. These inconveniences are nothing when weighed against the loss of wealth and loss of force, which will follow our perseverance in the plan of indiscrimination. When once it shall be perceived that we are either in the system or in the habit of giving equal advantages to those who extinguish our commerce and navigation by duties and prohibitions, as to those who treat both with liberality and justice, liberality and justice will be converted by all into duties and prohibitions. It is not to the moderation and justice of others we are to trust for fair and equal access to market with our productions, or for our due share in the transportation of them; but to our own means of independence, and the firm will to use them. Nor do

the inconveniences of discrimination merit consideration. Not one of the nations before mentioned, perhaps not a commercial nation on earth, is without them. In our case one distinction alone will suffice: that is to say, between nations who favor our productions and navigation, and those who do not favor them. One set of moderate duties, say the present duties, for the first, and a fixed advance on these as to some articles, and prohibitions as to others, for the last.

Still, it must be repeated that friendly arrangements are preferable with all who will come into them; and that we should carry into such arrangements all the liberality and spirit of accommodation which the nature of the case will admit.

France has, of her own accord, proposed negotiations for improving, by a new treaty on fair and equal principles, the commercial relations of the two countries. But her internal disturbances have hitherto prevented the prosecution of them to effect, though we have had repeated assurances of a continuance of the disposition.

Proposals of friendly arrangement have been made on our part, by the present government, to that of Great Britain, as the message states; but, being already on as good a footing in law, and a better in fact, than the most favored nation, they have not, as yet, discovered any disposition to have it meddled with.

We have no reason to conclude that friendly

arrangements would be declined by the other nations, with whom we have such commercial intercourse as may render them important. In the meanwhile, it would rest with the wisdom of Congress to determine whether, as to those nations, they will not surcease *ex parte* regulations, on the reasonable presumption that they will concur in doing whatever justice and moderation dictate should be done.

Report on the Mint. Communicated to the Senate, December 31, 1793.

PHILADELPHIA, December 30, 1793.

SIR,—I am informed, by the Director of the Mint, that an impediment has arisen to the coinage of the precious metals, which it is my duty to lay before you.

It will be recollected, that, in pursuance of the authority vested in the President, by Congress, to procure artists from abroad, if necessary, Mr. Drotz, at Paris, so well known by the superior style of his coinage, was engaged for our mint; but that, after occasioning to us a considerable delay, he declined coming. That thereupon, our minister at London, according to the instructions he had received, endeavored to procure, there, a chief coiner and assayer; that, as to the latter, he succeeded in sending over a Mr. Albion Coxe, for that office, but that he could procure no person there more qualified to discharge the duties of chief coiner, than might be had here; and, therefore, did not engage one.

The duties of this last office have consequently been, hitherto, performed, and well performed, by Henry Voight, an artist of the United States, but the law requiring these officers to give a security, in the sum of ten thousand dollars each, neither is able to do it. The coinage of the precious metals has, therefore, been prevented for some time past, though, in order that the mint might not be entirely idle, the coinage of copper has been going on; the trust in that, at any one point of time, being of but small amount.

It now remains to determine how this difficulty is to be got over. If by discharging these officers, and seeking others, it may well be doubted if any can be found in the United States, equally capable of fulfilling their duties; and to seek them from abroad, would still add to the delay; and if found either at home or abroad, they must still be of the description of artists whose circumstances and connections rarely enable them to give security in so large a sum. The other alternative would be to lessen the securityship in money, and to confide that it will be supplied by the vigilance of the director, who, leaving as small masses of metal in the hands of the officers, at any one time, as the course of their process will admit, may reduce the risk to what would not be considerable.

To give an idea of the extent of the trust to the several officers, both as to sum and time, it may be proper to state the course of the business, according to what the director is of opinion it should be. The treasurer, he observes, should receive the bullion;

the assayer, by an operation on a few grains of it, is to ascertain its fineness. The treasurer is then to deliver it to the refiner, to be melted and mixed to the standard fineness; the assayer here, again, examining a few grains of the melted mass, and certifying when it is of due fineness; the refiner then delivers it to the chief coiner, to be rolled and coined, and returns it, when coined, to the treasurer. By this it appears, that a few grains only, at a time, are in the hands of the assayer, the mass being confided, for operation, to the refiner and chief coiner. It is to be observed that the law has not taken notice of the office of refiner, though so important an officer ought, it should seem, to be of the President's nomination, and ought to give a security nearly equal to that required from the chief coiner.

I have thought it my duty to give this information under an impression that it is proper to be communicated to the Legislature, who will decide, in their wisdom, whether it will be expedient to make it the duty of the treasurer to receive and keep the bullion before coinage;

To lessen the pecuniary security required from the chief coiner and assayer; and to place the office of the refiner under the same nomination with that of the other chief officers; to fix his salary, and require due security.

I have the honor to be, with the most perfect respect and attachment, sir, your most obedient and most humble servant.

The following Reports were not included in the Congressional Edition of 1853:

REPORT ON THE TONNAGE PAYABLE BY FRENCH VESSELS IN THE PORTS OF THE UNITED STATES.[1]

January 18, 1791.

The Secretary of State having received from the Chargé des Affaires of France a note on the Tonnage payable by french vessels in the ports of the United States has had the same under his consideration, and thereupon makes the following Report to the President of the United States:

The Chargé des Affaires of France, by a note of the 13th. of December represents, by order of his Court, that they consider so much of the acts of Congress of July 20th. 1789 and 1790 as imposes an

[1] Jefferson, in submitting this Report to Alexander Hamilton, sent him the following letter:

January 1st, 1791.—Dear Sir,—I inclose you copies of the printed papers you desired; also a letter I received last night. This paper I will thank you to return by the bearer when you shall have perused it, as it is yet to be translated and communicated to the President. It is evident that this matter will become serious, and tho' I am pointedly against admitting the French construction of the treaty; yet I think it essential to work up some favour which may ensure the continuance of the good dispositions they have towards us. A nation which takes one third of our tobacco, more than half our fish oil and two thirds of our fish, say one half of the amount of these great staples and a great deal of rice, and from whom we take nothing in return but hard money to carry directly over and pour into the coffers of their enemies, such a customer, I say, deserves some menagemens. I would thank you sincerely to suggest any thing better than I had thought of. I am dear Sir your's affectionately and respectfully."

extraordinary Tonnage on foreign vessels, without excepting those of France, to be in contravention of the 5th. Article of the Treaty of Amity and Commerce between the two nations; that this would have authorised on their part a proportional modification in the favours granted to the American navigation: but that his sovereign had thought it more conformable to his principles of friendship and attachment to the United States to order him to make representations thereon, and to ask, in favour of french Vessels, a modification of the acts which impose an extraordinary Tonnage on foreign vessels.

The Secretary of State in giving in this paper to the President of the United States, thinks it his duty to accompany it with the following observations;

The 3d. and 4th. Articles of the Treaty of Amity and Commerce between France and the United States, subject the vessels of each nation to pay, in the ports of the other, only such duties as are paid by the most favoured nation: and give them reciprocally all the privileges and exemptions, in navigation and commerce, which are given by either to the most favoured nations. Had the contracting parties stopped here, they would have been free to raise or lower their Tonnage as they should find it expedient; only taking care to keep the other on the footing of the most favoured nation.

The question then is whether the 5th. Article,

cited in the note, is anything more than an application of the principle comprised in the 3d. and 4th. to a particular object? or whether it is an additional stipulation of something not so comprised?

I. That it is merely an application of a principle comprised in the preceding articles, is declared by the express words of the article, to wit, "*Dans l'exemption cidessus est nommément compris*" *etc.*, "*in the above exemption is particularly comprised* the imposition of 100. sols per Ton established in France on foreign vessels." Here then is at once an express declaration that the exemption from the duty of 100. sols, is *comprised* in the 3d. and 4th. articles; that is to say, it was one of the exemptions, enjoyed by the most favoured nations, and, as such, extended to us by those articles. If the exemption spoken of in this 1st. member of the 5th. article was *comprised* in the 3d. and 4th. articles, as is expressly declared, then the reservation by France out of that exemption (which makes the 2d. member of the same article) *was also comprised;* that is to say, if *the whole* was comprised, *the part* was comprised. And if this reservation of France in the 2d. member was comprised in the 3d. and 4th. Articles, then the counter reservation by the United States (which constitutes the 3d. and last member of the same article) was also comprised. Because it is but a corresponding portion of a similar whole on our part, which had been comprised by the same terms with theirs.

In short the whole Article relates to a particular duty of 100 sols laid by some antecedent law of France on the vessels of foreign nations, relinquished as to the most favoured, and consequently to us. It is not a new and additional stipulation then, but a declared application of the stipulations comprised in the preceding Articles to a particular case, by way of greater caution.

The doctrine laid down generally in the 3d. and 4th. Articles, and exemplified specially in the 5th. amounts to this: "The vessels of the most favoured nations, coming from foreign ports, are exempted from the duty of 100. sols: therefore you are exempted from it by the 3d. and 4th. Articles. The vessels of the most favoured nations, coming coastwise, pay that duty: therefore you are to pay it by the 3d. and 4th. Articles: we shall not think it unfriendly in you to lay a like duty on coasters, because it will be no more than we have done ourselves. You are free also to lay that or any other duty on vessels coming from foreign ports: provided they apply to all other nations, even the most favoured. We are free to do the same, under the same restriction. Our exempting you from a duty which the most favoured nations do not pay, does not exempt you from one which they do pay."

In this view it is evident that the 5th. Article neither enlarges, nor abridges the stipulations of the 3d. and 4th. The effect of the Treaty would have been precisely the same had it been omitted alto-

gether; consequently it may be truly said that the reservation by the United States in this Article is completely useless. And it may be added with equal truth that the equivalent reservation by France is completely useless: as well as her previous abandonment of the same duty: and in short the whole article. Each party then remains free to raise or lower its Tonnage, provided the change operates on all nations, even the most favoured.

Without undertaking to affirm, we may obviously conjecture, that this Article has been inserted on the part of the United States from an over-caution to guard, *nommément*, *by name*, against a particular aggrievance; which they thought they could never be too well secured against: and that has happened, which generally happens; doubts have been produced by the too great number of words used to prevent doubt.

II. The Court of France however understands this article as intended to introduce something to which the preceding articles had not reached; and not merely as an application of them to a particular case. Their opinion seems to be founded on the general rule, in the construction of instruments, to leave no words merely useless, for which any rational meaning can be found. They say that the reservation by the United States of a right to lay a duty equivalent to that of the 100 sols, reserved by France, would have been completely useless, if they were not left free, by the preceding articles, to lay a Tonnage

to any extent whatever. Consequently that the reservation of a part proves a relinquishment of the residue.

If some meaning, and such a one, is to be given to the last member of the Article, some meaning, and a similar one, must be given to the corresponding member. If the reservation by the United States of a right to lay an equivalent duty, implies a relinquishment of their right to lay any other, the reservation by France of a right to continue the specified duty to which it is an equivalent, must imply a relinquishment of the right on her part to lay or continue any other. Equivalent reservations by both, must imply equivalent restrictions on both. The exact reciprocity stipulated in the preceding articles, and which pervades every part of the Treaty, insures a counter-right to each party for every right ceded to the other.

Let it be further considered that the duty called *tonnage* in the United States is in lieu of the duties for anchorage, for the support of Buoys, Beacons, and Light-houses, to guide the mariner into harbour, and along the coast, which are provided and supported at the expense of the United States, and for fees to measurers, weighers, gaugers, etc. who are paid by the United States; for which articles, among many others (light excepted) duties are paid by us in the ports of France under their specific names. That Government has hitherto thought these duties consistent with the Treaty; and consequently the

same duties under a general, instead of specific names, with us, must be equally consistent with it; it is not the name, but the thing which is essential. If we have renounced the right to lay any port duties, they must be understood to have equally renounced that of either laying new or continuing the old. If we ought to refund the port duties received from their vessels since the date of the act of Congress, they should refund the port duties they have received from our vessels since the date of the Treaty; for nothing short of this is the reciprocity of the Treaty.

If this construction be adopted then, each party has forever renounced the right of laying any duties on the vessels of the other coming from any foreign port, or more than 100 sols on those coming coastwise. Could this relinquishment be confined to the two contracting parties alone, the United States would be the gainers, for it is well known that a much[1] greater number of American than of French vessels are employed in the commerce between the two countries: but the exemption once conceded by the one nation to the other, becomes immediately the property of all others, who are on the footing of the most favoured nations. It is true that those others would be obliged to yield the same compensation, that is to say, to receive our vessels duty free.

[1] By an official paper from the Bureau of the balance of commerce of France, we find that of the ships which entered the ports of France from the U. S. in the year 1789, only 13. amounting to 2105. tons were French, & 163. making 24,173 tons were American.—*T. J.*

Whether we should gain or lose in the exchange of the measure with them, is not easy to say.

Another consequence of this construction will be that the vessels of the most favoured nations, paying no duties, will be on a better footing than those of nations which pay a moderate duty, consequently either the duty on these also must be given up, or they will be supplanted by foreign vessels in our own ports.

The resource then of duty on vessels for the purposes either of revenue or regulation, will be forever lost to both. It is hardly conceivable that either party, looking forward to all these consequences, would see their interest in them.

III. But if France persists in claiming this exemption, what is to be done? The claim indeed is couched in mild and friendly terms; but the idea leaks out that a refusal would authorize them to modify proportionally the favours granted, by the same article, to our navigation. Perhaps they may do what we should feel much more severely; they may turn their eyes to the favours granted us by their arrets of December 29th. 1787 and December 7th. 1788. which hang on their will alone, unconnected with the Treaty. Those arrets, among other advantages, admit our whale oils to the exclusion of that of all other foreigners. And this monopoly procures a vent for seven twelfths of the produce of that Fishery, which experience has taught us could find no other market. Near two thirds of the produce

of our cod fisheries too have lately found a free vent in the colonies of France.[1] This indeed has been an irregularity growing out of the anarchy reigning in those Colonies. Yet the demands of the Colonists, even of the Government party among them, (if an auxiliary disposition can be excited by some marks of friendship and distinction on our part) may perhaps produce a Constitutional concession to them to procure their provisions at the cheapest market; that is to say, at ours.

Considering the value of the interests we have at stake, and considering the smallness of difference between foreign and native Tonnage, on French vessels alone, it might perhaps be thought advisable to make the sacrifice asked; and especially if it can be so done as to give no title to other the most favoured nations to claim it. If the act should put French vessels on the footing of those of natives, and declare it to be in consideration of the favours

[1] Abstract of the produce of the Fisheries exported from the United States from August 20th. 1789 to August 14th. 1790. in which is omitted one quarter's exportations from Boston, Plymouth, Dighton, Penobscot, Frenchman's Bay, Machias, and New York, of which the returns are not received.—*T. J.*

	Cod Fishery.	Whale Fishery.	Both Fisheries.
France & the french West Indies.....	586.167 dollrs	131.906 dollrs	718.073 dollrs
The rest of the World	307.097	101.306	408.403
Whole produce	893.264	233.212	1.126.476

granted us by the arrets of Decr. 29th. 1787, and December 7th. 1788, (and perhaps this would satisfy them). No nation could then demand the same favour, without offering an equivalent compensation. It might strengthen, too, the tenure by which those arrets are held, which must be precarious, so long as they are gratuitous.

It is desirable, in many instances, to exchange mutual advantages by Legislative Acts rather than by Treaty: because the former, though understood to be in consideration of each other, and therefore greatly respected, yet when they become too inconvenient, can be dropped at the will of either party: whereas stipulations by Treaty are forever irrevocable but by joint consent, let a change of circumstances render them ever so burthensome.

1. On the whole, if it be the opinion, that the 1st. construction is to be insisted on, as ours, in opposition to the 2d. urged by the Court of France, and that no relaxation is to be admitted, an answer shall be given to that Court defending that construction, and explaining in as friendly terms as possible, the difficulties opposed to the exemption they claim.

2. If it be the opinion that it is advantageous for us to close with France in her interpretation of a reciprocal and perpetual exemption from Tonnage; a repeal of so much of the Tonnage law will be the answer.

3. If it be thought better to waive rigorous and nice discussions of right, and to make the modifica-

tion an act of friendship and of compensation for favours received, the passage of such a bill will then be the answer.

REPORT ON VERMONT NOMINATIONS.

February 19th, 1791.

The Secretary of state having received from the commissioners for the state of Vermont a letter proposing these Questions 1. Whether as that state will not be a distinct member of the union till the 4th. day of March next, the President can, before that day, nominate officers for it? and 2. if he can not, whether he can nominate them, after the recess of the Senate? makes thereon to the President of the U. S. the following Report:

He is of opinion the President cannot, before the 4th. of March, make nominations which will be good in law: because, till that day, it will not be a separate and integral member of the U. S. and it is only to integral members of the union that his right of nomination is given by the Constitution.

But that nomination may be made on the 4th. of March, and, if the Senate will meet on that day, may be reported to them for their approbation. It is true that the two or three new members will be absent, unless they chuse to come in for this purpose; but as the occasion of consulting an imperfect Senate will not be produced by any act of the President, and as it is in the power of the new Senators to

render the body perfect, by coming on if they choose it, this difficulty appears smaller, than that of making original nominations without the concurrence of the Senate. This therefore is what the Secretary of State thinks best to be done.

REPORT ON UNCLAIMED LANDS.

November 8, 1791.

The Secretary of State to whom was referred by the President of the U. S. the resolution of Congress requesting the President "to cause an estimate to be laid before Congress at their next session of the quantity and situation of the lands not claimed by the Indians, nor granted to, nor claimed by, any citizens of the U. S. within the territory ceded to the U. S. by the state of North Carolina and within the territory of the U. S. north west of the river Ohio," makes thereon the following Report.

South western Territory. The territory ceded by the State of North Carolina to the U. S. by deed bearing date the 25th. day of February 1790 is bounded as follows to wit; beginning in the boundary between Virginia and North Carolina, that is to say, in the parallel of latitude 36½ degrees North from the equator on the extreme height of the stone mountain, where the said boundary or parallel intersects it, and running thence along the said extreme height to the river Missisipi; thence up the middle

of the said river to where it is intersected by the first mentioned parallel of 36½ degrees; then along the said parallel to the beginning: which tract of Country is a degree and a half of latitude from North to South, and about 360 miles in general from East to West, as nearly as may be estimated from such maps as exist of that Country.

Indian Claims. The Indians having claims within the said tract of country are the Cherokees and Chickasaws, whose boundaries are settled by the treaties of Hopewell, concluded with the Cherokees on the 28th day of November 1785, and with the Chickasayos on the 10th day of January 1786, and by the treaty of Holston concluded with the Cherokees July 2. 1791. These treaties acknowledge to the said Indians all the lands Westward and Southward of the following lines, to wit, Beginning in the boundary between South and North Carolina where the South Carolina Indian boundary strikes the same; thence North to a point from which a line is to be extended to the river Clinch that shall pass the Holston at the ridge which divides the waters; and containing, as may be conjectured without pretending to accuracy, between seven and eight thousand square miles or about 5. millions of acres; And to one other parcel to the Westward, somewhat triangular also, comprehending parts of the counties of Sumner, Davidson and Tannissee, the base whereof extends about 150 miles also, from East to West on the same Virginia Line, and its height from North to

South, about 55 miles, and so may comprehend about five thousand square miles, or upwards of two and an half millions of acres of land.

Claims of Citizens. Within these however are the following claims of citizens reserved by the deed of cession and consequently which furnish exceptions to the rights of the U. S.

I. Appropriations by the state of North Carolina for their Continental and State Officers and Souldiers.

II. Grants, and Titles to grants vested in individuals by the laws of the State.

III. Entries made in Armstrong's office under an act of that State of 1783 for the redemption of specie and other certificates.

REPORT ON THE PETITION OF JOHN MANGNALL.

November 10, 1791.

The Secretary of State, to whom was referred by the Senate of the United States, the petition of John Mangnall, has had the same under consideration, and thereupon makes the following Report.

He finds that Congress, on the application of the Petitioner, resolved on the 27th day of September 1780, that the profit of the capture of the Doser cutter should be divided among the captors, and that the honorable Mr. Jay, their Minister Plenipotentiary at the court of Madrid should be instructed to endeavor to obtain for the said captors the benefit by their resolve of October 14, 1777.

That such instructions were accordingly sent by the Committee for foreign Affairs to Mr. Jay, who continued, during his residence there, to press the settlement of this claim, under very varying prospects as to the result.

That after he came to the direction of the office for foreign Affairs, he continued to press the same subject through our Chargé des Affaires at Madrid; and it has been since resumed and urged in the strongest terms by the Secretary of State.

That as yet no information is received of what has been done, or is likely to be done.

That the circumstances of the country where this business has been to be transacted, have rendered the transmission and receipt of letters at all times difficult and precarious, and latterly in a remarkable degree. But still that there will be no remission of endeavors to obtain justice for the Petitioner and his Associates.

[1]As to so much of the petition as prays that a pension may be allowed him until the adjustment of his claim, it will rest with the wisdom of the Senate to decide on its reasonableness. The precedent will indeed be new, and may bring on other applications in similar cases to which their regular conduct of officers military and civil, have given rise, and will perpetually give rise. But if they shall perceive that the measure is right, the consequence that it will lead to repetitions in other cases equally right ought to be met.

[1] This paragraph is crossed out in Jefferson's manuscript.

As to so much of the said petition as prays that the petitioner may be allowed a pension from the Public until his claim shall be decided at the Court of Madrid, the Secretary of State observes, that in times of war questions are continually arising on the legitimacy of capture, on acts of piracy, on acts of violence at sea, and in times of peace on seizures for contraband, regular and irregular, which draw on discussions with foreign nations, always of long continuance, and often of results in which expedience rather than justice renders acquiescence adviseable; that some such cases are now depending between the Governments of the United States and of other countries; that a great number of Applications might be made for pensions on the same ground with the present, both now and hereafter; that it is not known that the claims are just till they are heard and decided on, and even when decided to be just, the Government from which it is due is alone responsible for the money: and he is therefore of opinion that such a pension ought not to be granted.

REPORT ON THE PETITION OF WILLIAM HOWE.

November 14, 1791.

The Secretary of State, to whom was referred by the House of Representatives the Petition of William Howe, praying satisfaction from the United States, for a Debt due to him in Nova Scotia, and whereon

Judgment has been rendered against him, contrary to existing Treaties, as he supposes, with Instructions to examine the same, and report his Opinions thereupon to the House, has had the same under consideration, and thereupon Reports:

That if the facts be justly stated in the Petition; Indemnification is to be sought from a foreign Nation, and, therefore, that the Case is a proper one to be addressed to the President of the United States.

That, when in that Channel, if it shall be found after advising with Counsel at Law, that the Verdict or Judgment rendered in the said Case, is inconsistent with Treaty, it will become a proper Subject of Representation to the Court of London, and of Indemnification from them to the Party.

That to this Interposition the Petitioner will, in that case, be entitled, but not to any Reimbursement from the United States directly.

REPORT ON THE PETITION OF JOHN NEUFVILLE.

November 26, 1792.

The Secretary of State, to whom was referred by the House of Representatives, the petition of John De Neufville, with instructions to examine the same, and report thereupon his opinion to the House, at the present Session, has had the same under examination, together with the Letter accompanying it from William Lee, Esquire, to the Petitioner, bearing date

Dec. 14th, 1791, and hath also examined the records of the Department of State, which might throw light on the allegations of the said petition: And he finds—

That William Lee, Esquire, was appointed by Congress in May 1777, a Commissioner for the United States to the Courts of Vienna and Berlin, with power to communicate and treat with those Courts on the subjects of friendship, peace, the safety of navigation and mutual commerce, and to do all such things as might conduce to those ends.

That the Petitioner, then a citizen of the United Netherlands, met with Mr. Lee in Germany, where, conversing on the subject of their two Countries, a Treaty between them was spoken of as desirable, and perhaps practicable: that the Petitioner, having afterwards consulted with persons of influence in his own Country, was engaged by them, on behalf of their country, to concert with Mr. Lee, or any other person, in the employment of the United States, a plan of a Treaty: that this was done at a subsequent meeting, and the Plan signed by Mr. Lee, on our part, and by the Petitioner, on the other Part: but that this plan was not prosecuted to effect, Congress putting the business into other hands. Which several facts appear by the Records in the Department of State, some of the most material of which have been extracted, and are hereto annexed.

The Petitioner further sets forth—

That the persecution excited against him by the enemies of the United States, on account of his

Agency on the part of Holland, in preparing the plan of a Treaty, obliged him to convey all his estate to his son, to leave his Country, and to part with his property in the British funds, by which last operation, he lost between four and five thousand pounds sterling:

That he advanced for the State of South Carolina, fifteen thousand pounds sterling in Military and other Stores; for which advance, being pressed by his creditors, he was obliged to sell his House in Amsterdam for £10,000 Sterling, which was worth £14,000, and to pass over to America.

That he lent to Mr. Laurens, during his captivity, £1,000 sterling, which sum, however, Mr. Laurens repaid him immediately on his liberation.

That he shipped goods to St. Eustatia, with a view to supply the Americans, of which £15,000 sterling's worth was captured by British ships:

And that, during a space of three Years, his House was a hospital asylum for Americans in general, by which he incurred an Expense of £10,000 sterling.

The establishment of these latter facts has not been required by the Secretary of State, because, if established, they would not, in his opinion, have founded a right to indemnification from the United States.

The part the Petitioner bore in projecting a Treaty between Holland and the United States, was, as a citizen of Holland, on the behalf of that Country, while the Counterpart was carried on for us by Mr. Lee, then employed on another mission. It follows

that each party should defray the expense of its own Agent, and that the losses in the British funds, stated as a consequence of this particular transaction, were to be indemnified by his own nation, if by either party.

The advance of £15,000 sterling in Stores to the State of South Carolina, was a matter of account with that State, as must also be the losses consequent on that, in the sale of his house, if they be a subject of indemnification at all.

The loan of a thousand pounds to Mr. Laurens, one of the Ministers of the United States, is acknowledged to have been speedily repaid.

The shipments of goods to St. Eustatia, with a view of disposing of them to the Americans, were in the line of his commerce, and the losses sustained on them by capture, belong fairly to the account of profit and loss, which every merchant hazards, and endeavors to counterpoise, without supposing himself insured either by his own, or any foreign Government.

The hospitalities of the Petitioner in Amsterdam, stated at £10,000 sterling, of which such Americans participated as happened to be there, found a claim to their particular gratitude and attention, and to the esteem attached to the exercise of private virtues: but, whilst we sincerely regret calamities, which no degree of personal worth can avert, we are forced to declare they are no legitimate object of taxation on our Citizens in general.

These several Articles, constituting the foundation of the petition, the Secretary of State reports it is his Opinion, that no part of it ought to be granted.

REPORT ON EXPEDIENCY OF APPOINTING A CONSUL AT COPENHAGEN.

January 10, 1792.

The Secretary of State having received information that the Merchants and Merchandize of the United States are subject in Copenhagen and other ports of Denmark to considerable extra duties, from which they might probably be relieved by the presence of a Consul there, reports to the President of the United States:

That it would be expedient to name a Consul, to be resident in the port of Copenhagen: That he has not been able to find that there is any citizen of the United States residing there: That there is a certain Hans Rodolph Saabye, a Danish subject and merchant of that place of good character, of wealth and distinction, and well qualified and disposed to act there for the United States, who would probably accept of the commission of Consul; but that that of Vice-Consul; hitherto given by the President to foreigners in ports where there was no proper American citizen, would probably not be accepted, because in this as in some other ports of Europe, usage has established it as a subordinate grade.—

And that he is therefore of opinion, that the said Hans Rodolph Saabye should be nominated Consul

of the United States of America for the port of Copenhagen, and such other places within the allegiance of his Danish Majesty as shall be nearer to the said port than to the residence of any other Consul or Vice-Consul of the United States within the same allegiance.

REPORT OF DECREE RENDERED BY THE NATIONAL ASSEMBLY OF FRANCE.

December 30, 1793.

The Secretary of State, to whom the President of the United States referred the resolution of the House of Representatives of December 24, 1793, desiring the substance of all such laws, decrees, or ordinances, respecting commerce in any of the countries with which the United States have commercial intercourse, as have been received by the Secretary of State, and not already stated to the House in his report of the 16th instant, reports:

That he has had an official communication of a Decree rendered by the National Assembly of France on the 26th day of March last, of which the following is a translation:

DECREE.

Exempting from all duties the subsistences and other objects of supply in the Colonies, relative to the United States, pronounced in the sitting of the 26th of March, 1793, 2d year of the French Republic.

The National Convention, willing to prevent by precise dispositions, the difficulties that might arise relatively to the execution of its decree of the 19th February last, concerning the United States of America—

to grant favors to this ally-nation, and to treat it, in its commercial relations with the Colonies of France, in the same manner as the vessels of the Republic—decree as follows:

Art. 1. From the day of the publication of the present decree in the French-American Colonies, the vessels of the United States, of the burdens of sixty tons at the least, laden only with meals and subsistences, as well as the objects of supply announced in article 2, of the arrêt of 30th August, 1784, as also lard, butter, salted salmon, and candies shall be admitted into the ports of said Colonies exempt from all duties. The same exemption shall extend to the French vessels laden with the same articles, and coming from a foreign port.

Art. 2. The captains of vessels of the United States, who, having brought into the French American Colonies the objects comprised in the above article, wish to return to the territory of the said States, may lade in the said Colonies, independent of sirups, rum, taffias, and French merchandises, a quantity of coffee equivalent to the one-fiftieth of the tonnage of every vessel, as also a quantity of sugar equal to one-tenth, on conforming to the following articles:

Art. 3. Every captain of an American vessel, who wishes to make returns to the United States of coffee and sugar of the French Colonies, shall make it appear that his vessel entered therein with at least two-thirds of her cargo, according to article 1. For this purpose, he shall be obliged to transmit, within twenty-four hours after his arrival, to the custom-house of the place he may land at, a certificate of the marine agents, establishing the gauge of his vessel and the effective tonnage of her cargo. The heads of the said custom-houses shall assure themselves that the exportation of the sugars and coffee does not exceed the proportion fixed by the second article of the present decree.

Art. 4. The captains of vessels of the United States of America shall not pay, on going from the islands, as well as those of the Republic, but a duty of 5 livres per quintal of indigo, 10 livres per thousand weight of cotton, 5 livres per thousand weight of coffee, 5 livres per thousand weight of brown and clayed sugars, and 50 sols per thousand weight of raw sugar. Every other merchandise shall be exempt from duty on going out of the Colonies.

Art. 5. The sugars and coffee which shall be laden shall pay at the custom-houses which are established in the Colonies, or that shall be established, in addition to the duties above fixed, those imposed by the law of 19th March, 1791, on the sugars and coffee imported from the said Colonies to France, and conformably to the same law.

Art. 6. The captains of vessels of the United States, who wish to lade merchandises of the said Colonies, for the ports of France, shall fur-

nish the custom-house at the place of departure with the bonds required of the masters of French vessels by the second article of the law of 10th July, 1791, to secure the unlading of these merchandises in the ports of the Republic.

Art. 7. The vessels of the nations with whom the French Republic is not at war may carry to the French American Colonies all the objects designated by the present decree. They may also bring, into the ports of the Republic only, all the productions of the said Colonies, on the conditions announced in the said decree, as well as that of 19th of February.

Copy conformable to the original.

GENET.

That he has not received officially any copy of the decree said to have been rendered by the same Assembly on the 27th day of July last, subjecting the vessels of the United States laden with provisions to be carried, against their will, into the ports of France, and those having enemy goods on board to have such goods taken out as legal prize.

That an ordinance has been passed by the Government of Spain, on the 9th day of June last, the substance of which has been officially communicated to him in the following words, to wit:

Extract of an Ordinance that the inhabitants of Louisiana, being deprived of their commerce with France, (on account of the war,) as allowed by the ordinance of January, 1782, &c., His Majesty considering that they and the inhabitants of the Floridas cannot subsist without the means of disposing of their productions and of acquiring those necessary for their own consumption; for that purpose, and to increase the national commerce—the commerce of those provinces and their agriculture—has directed the following articles to be provisionally observed:

The inhabitants of the above-mentioned provinces to be allowed to commerce freely both in Europe and America with all friendly nations who have treaties of commerce with Spain; New Orleans, Pensacola, and St. Augustine, to be ports for that purpose. No exception as to

the articles to be sent or to be received. Every vessel, however, to be subjected to touch at Corcubion, in Gallicia, or Alicant, and to take a permit there, without which, the entry not to be allowed in the ports above mentioned.

The articles of this commerce, carried on thus directly between those provinces and foreign nations to pay a duty of fifteen per cent. importation, except negroes, who may be imported free of duty. The productions and silver exported to purchase those negroes to pay the six per cent. exportation duty. The exportation of silver to be allowed for this purpose only.

The commerce between Spain and those provinces to remain free. Spaniards to be allowed to observe the same rules and to fit out from the same ports (in vessels wholly belonging to them, without connexion with foreigners) for those provinces as for the other Spanish Colonies.

To remove all obstacles to this commerce, all sorts of merchandise destined for Louisiana and the Floridas (even those whose admission is prohibited for other places) may be entered in the ports of Spain, and, in like manner, tobacco and all other prohibited articles may be imported into Spain from these provinces, to be re-exported to foreign countries.

To improve this commerce and encourage the agriculture of those provinces the importation of foreign rice into the ports of Spain is prohibited, and a like preference shall be given to the other productions of these provinces, when they shall suffice for the consumption of Spain.

All articles exported from Spain to these provinces shall be free of duty on exportation, and such as being foreign, shall have paid duty on importation into Spain, shall have it restored to exporters.

These foreign articles, thus exported, to pay a duty of three per cent. on entry into those provinces. Those which are not foreign to be free of duty.

The articles exported from those provinces to Spain to be free of duty, whether consumed in Spain or re-exported to foreign countries.

Those Spanish vessels which, having gone from Spain to those provinces, should desire to bring back productions from thence directly to the foreign ports of Europe, may do it on paying a duty of exportation of three per cent.

All vessels, both Spanish and foreign, sailing to those provinces, to be prohibited from touching at any other port in His Majesty's American Dominions.

No vessel to be fitted out from New Orleans, Pensacola, or St. Augustine for any of the Spanish islands or other Dominions in America,

except for some urgent cause, in which only the respective Governors to give a permission, but without allowing any other articles to be embarked than the productions of those provinces.

All foreign vessels purchased by His Majesty's subjects, and destined for this commerce, to be exempted from those duties to which they are at present subjected, they proving that they are absolute and sole proprietors thereof.

He takes this occasion to note an act of the British Parliament of the 28 George III., chap. 6, which, though passed before the epoch to which his report aforesaid related, had escaped his researches. The effect of it was to convert the proclamations regulating our direct intercourse with their West Indian Islands into a standing law, and so far to remove the unfavorable distinction between us and foreign nations, stated in the report, leaving it, however, in full force as to our circuitous intercourse with the same islands, and as to our general intercourse, direct and circuitous, with Great Britain and all her other Dominions.

INAUGURAL ADDRESSES

AND

MESSAGES.

INTRODUCTORY NOTES.

During the administrations of Washington and Adams, it was the custom of the President, at the opening of each session of Congress, to meet both Houses, and deliver in person a written speech, to which, in the course of a few days, each House would return an answer through a Committee appointed to wait upon the President, who acknowledged the answer by returning a brief reply. Jefferson changed this system at the beginning of his Presidential term. Instead of meeting the Houses of Congress, and addressing them personally, he sent them a written message, thus substituting messages for speeches. His reasons for this change were the greater convenience of messages over speeches, the economy of time, and the relief of Congress from the necessity of sending answers on subjects in regard to which they were often very imperfectly informed. In the general opinion of the country at that time, this change was in the nature of improvement, and the custom of communicating with Congress by means of messages instead of speeches, has been invariably adopted by all succeeding Presidents.

After serving as Vice-President for four years, Jefferson became President on March 4th, 1801, was re-elected President in 1804, and retired finally from public life, March 4th, 1809. His cabinet, of which Madison and Gallatin were the pillars, were in thorough sympathy with him in his general policy, and its perfect harmony was uninterrupted. He gave his Ministers his entire confidence. "If I had the world to choose from," he said on one occasion, "I could not change one of my associates to my better satisfaction."

The first important act of his administration was to send four of the six vessels constituting the so-called navy of the republic to the Mediterranean to exterminate the Algerine pirates who for half a century had preyed upon the commerce of the world, thus initiating a series of events which in a few years contributed largely to the safety of commerce in the Mediterranean.

Being convinced of the supreme commercial importance of New Orleans, Jefferson directed negotiations to be opened with the French Government, which resulted in the purchase for $15,000,000 of the territory of Louisiana, which had been ceded by Spain to France. The purchase of Louisiana was regarded as the crowning achievement of his administration.

One of the notable events of his second term was his unsuccessful attempt to convict Aaron Burr (Vice-President during his first term) of having engaged in treasonable projects in the southwest. Other important measures of his administration included his efforts to maintain, without war, the rights of neutrals on the high seas; the careful exploration of the western territories; the reduction of the public debt; the fortification of seaports; reorganizing and rearming the militia; diminishing the taxes; and extinguishing the Indians' titles by fair purchase and promoting their emigration beyond the Mississippi.

Everything that Jefferson wrote—in the line of Presidential Messages and other state papers—proved him a great political writer, but his first inaugural address is considered by many critics to be his masterpiece. It presents an exposition of the principles of democracy that has never been surpassed. Every sentence is expressed with force and point, and with a rhetorical grace that invariably tends to enhance the underlying power.

INAUGURAL ADDRESSES AND MESSAGES.

INAUGURATION ADDRESS.—MARCH 4, 1801.

Friends and Fellow Citizens:—

Called upon to undertake the duties of the first executive office of our country, I avail myself of the presence of that portion of my fellow citizens which is here assembled, to express my grateful thanks for the favor with which they have been pleased to look toward me, to declare a sincere consciousness that the task is above my talents, and that I approach it with those anxious and awful presentiments which the greatness of the charge and the weakness of my powers so justly inspire. A rising nation, spread over a wide and fruitful land, traversing all the seas with the rich productions of their industry, engaged in commerce with nations who feel power and forget right, advancing rapidly to destinies beyond the reach of mortal eye—when I contemplate these transcendent objects, and see the honor, the happiness, and the hopes of this beloved country committed to the issue and the auspices of this day, I shrink from the contemplation, and humble myself before the magnitude of the undertaking. Utterly indeed, should I despair, did not the presence of

many whom I here see remind me, that in the other high authorities provided by our constitution, I shall find resources of wisdom, of virtue, and of zeal, on which to rely under all difficulties. To you, then, gentlemen, who are charged with the sovereign functions of legislation, and to those associated with you, I look with encouragement for that guidance and support which may enable us to steer with safety the vessel in which we are all embarked amid the conflicting elements of a troubled world.

During the contest of opinion through which we have passed, the animation of discussion and of exertions has sometimes worn an aspect which might impose on strangers unused to think freely and to speak and to write what they think; but this being now decided by the voice of the nation, announced according to the rules of the constitution, all will, of course, arrange themselves under the will of the law, and unite in common efforts for the common good. All, too, will bear in mind this sacred principle, that though the will of the majority is in all cases to prevail, that will, to be rightful, must be reasonable; that the minority possess their equal rights, which equal laws must protect, and to violate which would be oppression. Let us, then, fellow citizens, unite with one heart and one mind. Let us restore to social intercourse that harmony and affection without which liberty and even life itself are but dreary things. And let us reflect that having banished from our land that religious intolerance under which man-

kind so long bled and suffered, we have yet gained little if we countenance a political intolerance as despotic, as wicked, and capable of as bitter and bloody persecutions. During the throes and convulsions of the ancient world, during the agonizing spasms of infuriated man, seeking through blood and slaughter his long-lost liberty, it was not wonderful that the agitation of the billows should reach even this distant and peaceful shore; that this should be more felt and feared by some and less by others; that this should divide opinions as to measures of safety. But every difference of opinion is not a difference of principle. We have called by different names brethren of the same principle. We are all republicans—we are federalists. If there be any among us who would wish to dissolve this Union or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it. I know, indeed, that some honest men fear that a republican government cannot be strong; that this government is not strong enough. But would the honest patriot, in the full tide of successful experiment, abandon a government which has so far kept us free and firm, on the theoretic and visionary fear that this government, the world's best hope, may by possibility want energy to preserve itself? I trust not. I believe this, on the contrary, the strongest government on earth. I believe it is the only one where every man, at the call of the laws,

would fly to the standard of the law, and would meet invasions of the public order as his own personal concern. Sometimes it is said that man cannot be trusted with the government of himself. Can he, then, be trusted with the government of others? Or have we found angels in the forms of kings to govern him? Let history answer this question.

Let us, then, with courage and confidence pursue our own federal and republican principles, our attachment to our union and representative government. Kindly separated by nature and a wide ocean from the exterminating havoc of one quarter of the globe; too high-minded to endure the degradations of the others; possessing a chosen country, with room enough for our descendants to the hundredth and thousandth generation; entertaining a due sense of our equal right to the use of our own faculties, to the acquisitions of our industry, to honor and confidence from our fellow citizens, resulting not from birth but from our actions and their sense of them; enlightened by a benign religion, professed, indeed, and practiced in various forms, yet all of them including honesty, truth, temperance, gratitude, and the love of man; acknowledging and adoring an overruling Providence, which by all its dispensations proves that it delights in the happiness of man here and his greater happiness hereafter; with all these blessings, what more is necessary to make us a happy and prosperous people? Still one thing more, fellow citizens—a wise and frugal government, which shall

restrain men from injuring one another, which shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government, and this is necessary to close the circle of our felicities.

About to enter, fellow citizens, on the exercise of duties which comprehend everything dear and valuable to you, it is proper that you should understand what I deem the essential principles of our government, and consequently those which ought to shape its administration. I will compress them within the narrowest compass they will bear, stating the general principle, but not all its limitations. Equal and exact justice to all men, of whatever state or persuasion, religious or political; peace, commerce, and honest friendship, with all nations—entangling alliances with none; the support of the state governments in all their rights, as the most competent administrations for our domestic concerns and the surest bulwarks against anti-republican tendencies; the preservation of the general government in its whole constitutional vigor, as the sheet anchor of our peace at home and safety abroad; a jealous care of the right of election by the people—a mild and safe corrective of abuses which are lopped by the sword of the revolution where peaceable remedies are unprovided; absolute acquiescence in the decisions of the majority—the vital principle of republics, from which there is no appeal but to force the vital

principle and immediate parent of despotism; a well-disciplined militia—our best reliance in peace and for the first moments of war, till regulars may relieve them; the supremacy of the civil over the military authority; economy in the public expense, that labor may be lightly burdened; the honest payment of our debts and sacred preservation of the public faith; encouragement of agriculture, and of commerce as its handmaid; the diffusion of information and the arraignment of all abuses at the bar of public reason; freedom of religion; freedom of the press; freedom of person under the protection of the *habeas corpus;* and trial by juries impartially selected—these principles form the bright constellation which has gone before us, and guided our steps through an age of revolution and reformation. The wisdom of our sages and the blood of our heroes have been devoted to their attainment. They should be the creed of our political faith—the text of civil instruction—the touchstone by which to try the services of those we trust; and should we wander from them in moments of error or alarm, let us hasten to retrace our steps and to regain the road which alone leads to peace, liberty, and safety.

I repair, then, fellow citizens, to the post you have assigned me. With experience enough in subordinate offices to have seen the difficulties of this, the greatest of all, I have learned to expect that it will rarely fall to the lot of imperfect man to retire from this station with the reputation and the favor which

bring him into it. Without pretensions to that high confidence reposed in our first and great revolutionary character, whose preëminent services had entitled him to the first place in his country's love, and destined for him the fairest page in the volume of faithful history, I ask so much confidence only as may give firmness and effect to the legal administration of your affairs. I shall often go wrong through defect of judgment. When right, I shall often be thought wrong by those whose positions will not command a view of the whole ground. I ask your indulgence for my own errors, which will never be intentional; and your support against the errors of others, who may condemn what they would not if seen in all its parts. The approbation implied by your suffrage is a consolation to me for the past; and my future solicitude will be to retain the good opinion of those who have bestowed it in advance, to conciliate that of others by doing them all the good in my power, and to be instrumental to the happiness and freedom of all.

Relying, then, on the patronage of your good will, I advance with obedience to the work, ready to retire from it whenever you become sensible how much better choice it is in your power to make. And may that Infinite Power which rules the destinies of the universe, lead our councils to what is best, and give them a favorable issue for your peace and prosperity.

In communicating his first message to Congress, President Jefferson addressed the following letter to the presiding officer of each branch of the national legislature.]

December 8, 1801.

SIR: The circumstances under which we find ourselves placed rendering inconvenient the mode heretofore practised of making by personal address the first communication between the legislative and executive branches, I have adopted that by message, as used on all subsequent occasions through the session. In doing this, I have had principal regard to the convenience of the legislature, to the economy of their time, to their relief from the embarrassment of immediate answers on subjects not yet fully before them, and to the benefits thence resulting to the public affairs. Trusting that a procedure founded in these motives will meet their approbation, I beg leave, through you, sir, to communicate the enclosed message, with the documents accompanying it, to the honorable the senate, and pray you to accept, for yourself and them, the homage of my high respect and consideration.

The Hon. the President of the Senate.

Jefferson's First Inaugural Address

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Vol III pages 31 32

Friends & fellow citizens

Called upon to undertake the duties of the first Executive office of our country I avail myself of the presence of that portion of my fellow citizens which is here assembled to express my grateful thanks for the favor with which they have been pleased to look on me, & to manifest my hope that in the exercise of the duties I am about to undertake I shall not fail through want of intention to receive the approbation of those whom they have been pleased to call by the voice of their fellow citizens to this station. or rather I should say to perform the functions allotted to his charge. in obedience to the general will. on principles unfettered by party animosity. with the experience of age. & in the vigor of life for it's active scenes, I trust that the good sense & candor of my fellow citizens will view with indulgence the errors of one who can offer nothing in return for their partiality but the best exertions of a sincere & honest heart. conscious that all those acts of my predecessors in office which have been discussed by the people have been performed according to the best of their understandings, I can see little in the past which a change of circumstances rendered inexpedient to meet any deviation from the general principles which have been approved by the people as a guide in future enterprises. I shall tread in their steps. unless new & urgent reasons shall compel me to depart from them. in this case the principles & the example of my predecessors will point the path of duty which I shall endeavor to pursue. with the guidance of that constitution by which we have bound ourselves, the laws of our country must be our guide in all cases which shall arise in the discharge of my official duties. & no circumstance can occur in which I shall not look to them for direction. in the administration of your government I have no personal objects to accomplish. an honest ambition to see our common country enjoying every degree of prosperity & happiness which human institutions can bestow is the only motive which has influenced my wishes for the present station. & no other reward can result to me from the manner in which the duties of it may be performed, besides the approbation of my own conscience & that of my fellow citizens. for honors or for emolument I have no concern. they are nothing to me further than as the one may be necessary to effect the other. my movements to the chair of government will be accompanied only by those citizens who may have been deputed by their fellows to take part in the ceremonies of the occasion, & by a few friends who may choose to partake with me the inconveniences of the journey. I have therefore to pray that my fellow citizens will not expect me at any of the places through which I may pass. on the road. I am unwilling to take any portion of that time which is now employed in the service of my country in receiving those marks of attention which have been so liberally bestowed on me. since my arrival at the seat of government I have found that the best use I can make of the time which can be spared from the duties of my office is to devote it to the acquisition of that information which is necessary to the performance of those duties. with the aid of my colleagues I am in hopes that nothing will occur to require my absence from the executive chamber of the government. if any such should arise I shall hasten to return to it. I have no family with me. & therefore no change will take place in the domestic establishment. I have brought with me a few servants who have been habituated to my manner of living. & who will conform to the principles of the house. & I have left my household goods to be conveyed after me. my plan is to have no establishment which may render me dependant on the generosity of my fellow citizens. but to be supported entirely by my salary. on entering the house I found it furnished in a manner neither extravagant nor inelegant. such as befits the chief magistrate of a great nation. & such as had been provided for the reception of my predecessor. some additional articles of furniture were necessary. these have been procured. & are now in use. the whole will be subject to the inventory which will be taken. & delivered over to my successor. I have asked of my predecessor to remain in the house for a few days. which he has obligingly consented to do. as I am not yet prepared to occupy it. I have found in the situation of our country much matter for consolation. the condition of our finances is known to you. it is flourishing beyond conception. & insures us a rapid extinguishment of our debt. the acquisition of Louisiana has been disapproved by some. from a candid conviction that the enlargement of our territory would endanger it's union. but who can limit the extent to which the federative principle may operate effectively? the larger our association the less will it be shaken by local passions. & in any view is it not better that our citizens should be spread over a large than a small surface? that our numbers should be thus enlarged? I view the province of Louisiana as a mine of wealth, not only in itself but in the immense field for enterprise which it will offer to our young & active citizens. the control which the general government may have over it, will be conducive to the interests of the whole. the people will be contented because they will be free. & the general government will be relieved from a source of dangerous jealousy. as to the constitutional authority of the government to incorporate this country into our union, I have never doubted. the power to make treaties & to appoint ambassadors was given for the purpose of enlarging the boundaries of the country. & the limitations to this power are to be found only in the power which may be exercised by the nation to which we propose to become united. the relations with France & England which at the time of my coming into office were particularly interesting to the United States, are now more favorable. the difficulties which arose out of the refusal of the former power to deliver the posts on the Mississippi, & the long train of spoliations which were committed on our commerce by both parties, have in a great degree ceased. the greatest source of collision between the United States & those powers is now removed. with the exception of the spoliations committed by the cruisers of France, condemnations have ceased. & restitutions are making. I have no doubt that arrangements will be entered into with that power which will secure to our citizens a just indemnification for the property of which they have been unjustly deprived. the commerce between the United States & France is now perfectly free. & promises to be permanently so. that between the United States & England is also free. but not to the extent which is desirable. it is hoped that the British government will see the propriety of arranging with us certain points which will be found beneficial to both countries. the government of Spain has not yet manifested a disposition to enter into the arrangements which the United States have proposed. but it is hoped that the representations which have been made to her will ere long induce her to do us justice. the treaty which was entered into with the Creek nation of Indians has been ratified. & the country which was ceded by it has been taken possession of. & is now occupied by our citizens. the treaty which was entered into with the Cherokee nation has been ratified. & the country ceded by it will be taken possession of in the course of the present month. the Choctaw nation of Indians have also ceded a portion of their country to the United States. & the Chickasaws have manifested a disposition to do the same. the Indian tribes generally are anxious to become citizens of the United States. & to partake of the benefits of civilization. the measures which have been taken to introduce among them the habits of husbandry & the arts of life, have had a happy effect. & are in progress. the accounts which have been received of the state of the militia are favorable. the arrangements which have been made for the defence of the country are in progress. & will be completed as fast as the circumstances will permit. the fortifications which have been erected have been found to be of the most durable kind. & the works which are in progress are of the same character. the navy is in a state of the most perfect preparation for service. the vessels which are in use are in the best condition. & the new ones which have been built are of the most approved construction. the number of seamen which have been employed in the service of the United States is sufficient for the purposes of the present establishment. & the laws which have been passed for the encouragement of seamen are found to be sufficient. the progress which has been made in the construction of gun boats is such as to justify the belief that the number which have been directed will be completed by the time which was contemplated. the expenditures which have been made for the military & naval establishments have been in conformity with the laws which have been passed on the subject. & have been regulated with a strict regard to economy. the revenue which has been collected has been sufficient for the purposes of the government. & has been collected with little difficulty. the laws which have been passed for the collection of the revenue have been found to be sufficient. & have been executed without any opposition. the duties which have been collected have been paid with punctuality. & the merchants who have been engaged in the importation of goods have been found to be honest & fair in their dealings. the trade which has been carried on between the United States & the Indian tribes has been found to be beneficial to both parties. & has been conducted with the greatest harmony. the laws which have been passed for the regulation of this trade have been found to be sufficient. & have been executed without any difficulty. the measures which have been taken to introduce among the Indians the habits of husbandry & the arts of life have had a happy effect. & are in progress. the accounts which have been received of the state of the militia are favorable. the arrangements which have been made for the defence of the country are in progress. & will be completed as fast as the circumstances will permit. the 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Jefferson's First Inaugural Address

Fac-simile from the Original Document in the Department of State

First Inaugural Address
vol III facing page 32

Friends & fellow citizens

Called upon to undertake the duties of the first Executive office of our country I avail myself of the presence of that portion of my fellow citizens which is here assembled to express my grateful thanks for the favor with which they have been pleased to look towards me to declare a sincere consciousness that the task is above my talents, & that I approach it with those anxious & awful presentiments which the greatness of the charge & the weakness of my powers so justly inspire, a rising nation, spread over a wide & fruitful land, traversing all the seas with the rich productions of their industry, engaged in commerce with nations who feel power & forget right advancing rapidly to destinies beyond the reach of mortal eye, when I contemplate these transcendent objects, & see the honour, the happiness, & the hopes of this beloved country committed to the issue & the auspices of this day I shrink from the contemplation, & humble myself before the magnitude of the undertaking. utterly indeed should I despair, did not the presence of many, whom I here see, remind me, that, in the other high authorities provided by our constitution, I shall find resources of wisdom, of virtue, & of zeal, on which to rely under all difficulties. to you then, gentlemen, who are charged with the sovereign functions of legislation, & to those associated with you, I look with encouragement for that guidance & support which may enable us to steer with safety the vessel in which we are all embarked, amidst the conflicting elements of a troubled world.

During the contest of opinion —"— through which we have past, the animation of discussions & of exertions has sometimes worn an aspect which might impose on strangers unused to think freely, & to speak & to write what they think. but this being now decided by the voice of the nation enounced according to — the rules of the constitution, all will of course arrange themselves under the will of the law & unite in common efforts for the common good. all too will bear in mind this sacred principle that tho the will of the majority is in all cases to prevail, ~~the successful majority too will keep in mind, that tho their will is to prevail~~, that will, to be rightful, must be reasonable; that the minority possess their equal rights, which equal laws must protect & to violate would be oppression. let us then fellow citizens unite with one heart & one mind, let us restore to social intercourse that harmony & affection without which liberty, & even life itself, are but dreary things. and let us reflect that having banished from our land that religious intolerance under which mankind so long bled & suffered we have yet gained little if we countenance a political intolerance, as despotic, as wicked, & capable a

as bitter & bloody persecutions. during the throes & convulsions of the antient world, during the agonising spasms of infuriated man, seeking thro' blood & slaughter his long-lost liberty, it was not wonderful that the agitation of the billows should reach even this distant & peaceful shore; that this should be more felt & feared by some & less by others; & should divide opinions as to [illegible], entertaining a due sense of our equal right to the use of our own faculties, to the acquisitions of our own industry, to honour & confidence from our fellow citizens, resulting not from birth, but from our action & their sense of them, enlightened by a benign religion, professed indeed & practised in various forms, yet all of them inculcating Honesty, truth, temperance, gratitude & the love of man, acknowledge and adoring an overruling providence, which by all it's dispensations proves that it delights in the happiness of man here, & his greater happiness hereafter; with all these blessings, what more is

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Let us then, with courage & confidence, pursue our own federal & republican principles; our attachment to ~~[illegible]~~ government. kindly separated by nature & a wide ocean from the exterminating havoc of one quarter of the globe; too high-minded to endure the degradations of the others possessing a chosen country, with room enough for our descendants to the thousandth & thousandth generation, ~~enjoying the most favourable temperatures of climate~~, entertaining a due sense of our equal right to the use of our own faculties, to the acquisitions of our own industry, to honour & confidence from our fellow citizens, resulting not from birth, but from our action & their sense of them, enlightened by a benign religion, professed indeed & practised in various forms, yet all of them inculcating Honesty, truth, temperance, gratitude & the love of man, acknowledging and adoring an overruling providence, which by all it's dispensations proves that it delights in the happiness of man here, & his greater happiness hereafter; with all these blessings, what more is

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~~with a jealous~~ protection of the habeas corpus: — and trial by juries, impartially selected. These principles form the bright constellation, which has gone before us & guided our steps through an age of revolution & reformation. the wisdom of our sages & blood of our heroes have been devoted to their attainment: they should be the creed of our political faith; the text of civic instruction the touchstone by which to try the services of those we trust and should we wander from them in moments of error or of alarm, let us hasten to retrace our steps & to regain the road which alone leads to Peace, liberty & safety.

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About to enter, fellow citizens, on the exercise of duties which comprehend every thing dear & valuable to you, it is proper you should understand what I deem the essential principles of our government, & consequently those which ought to shape it's Administration. I will compress them within the narrowest compass they will bear, stating the general principle, but not all it's limitations. — Equal & exact justice to all men, of whatever state or persuasion religious or political: — Peace, commerce & honest friendship with all nations, entangling alliances with none: — the support of the state governments in all their rights, as the most competent administrations for our domestic concerns, & the surest bulwarks against anti-republican tendencies: — the preservation of the General government in it's whole constitutional vigour as the sheet anchor of our peace at home, & safety abroad: — ~~free & frequent elections by the people in person & the more frequent within the bounds of their commerce, & the same~~ a jealous care of the right of election by the people, a mild and safe corrective of abuses which are ~~extension the right of suffrage the more perfectly within the definition of a genuine republic~~ lopped by the sword of revolution where peaceable remedies are unprovided: — absolute acquiescence in the decisions of the majority, the vital principle of republics, from which is no appeal but to force the vital principle & immediate parent of despotism: — a well disciplined militia our best reliance in peace, & for the first moments of war till regulars may relieve them: — the supremacy of the civil over the military authority: — economy in the public expence, that labor may be lightly burthened — the honest payment of our debts & sacred preservation of the public faith: — encouragement of agriculture, and of Commerce as it's handmaid: — the diffusion of information, & arraignment of all abuses at the bar of the public reason: — freedom of religion; freedom of the press; & freedom of person, under the ~~ever easing~~ protection of the Habeas corpus: — and trial by juries, impartially selected. These principles form the bright constellation, which has gone before us & guided our steps through an age of revolution & reformation. the wisdom of our sages & blood of our heroes have been devoted to their attainment: they should be the creed of our political faith; the text of civic instruction the touchstone by which to try the services of those we trust and should we wander from them in moments of error or of alarm, let us hasten to retrace our steps, & to regain the road which alone leads to Peace, liberty & safety.

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Relying then on the patronage of your good will, I advance with obedience to the work ready to retire from it whenever you become sensible how much better choices it is in your power to make. and may that infinite power which rules the destinies of the universe. lead our councils to what is best, & give them a favorable issue for your peace and prosperity.

MESSAGE ON THE ACT FOR THE DEFENCE OF RIVERS AND HARBORS.[1]

March, 1808.

In proceeding to carry into execution the Act, etc., it is found that the sites most advantageous for the defense of our harbors and rivers, and sometimes the only sites competent to that defense are in some cases the property of minors incapable of giving a valid consent to their alienation, in others belong to persons who on no terms will alienate, and in others the proprietors demand such exaggerated compensation as, however liberally the public ought to compensate in such cases, would exceed all bounds of justice or liberality. From this cause the defense of our seaboard, so necessary to be pressed during

[1] This message, which is not included in the Congressional Edition of 1853, is indorsed "Dept. of State, received March 24, '08. Message for Sites."

The following paragraphs were written by Madison: "Incapable of giving a valid consent to their alienation, in others belong to persons who may refuse altogether to alienate, or demand a compensation far beyond the liberal justice allowable in such cases. From these causes the defence of our seaboard, so necessary to be pressed during the present season, will in various parts be defeated, unless a remedy can be applied. With a view to this I submit the case to the consideration of Congress, who estimating its importance and reviewing the powers vested in them by the constitution combined with the amendment providing that private property shall not be taken for public use, without just compensation, will decide on the course most proper to be pursued."

"I am aware that as the consent, etc."

"(For consideration.) As the constitutionality will be much agitated, it is doubted whether a precise opinion on that or the legal process be eligible."

the present season will in various parts be defeated, unless the national legislature can apply a constitutional remedy. The power of repelling invasions, and making laws necessary for carrying that power into execution seems to include that of occupying those sites which are necessary to repel an enemy; observing only the amendment to the constitution which provides that private property shall not be taken for public use without just compensation. I submit therefore to the consideration of Congress, where the necessary sites cannot be obtained by the joint and valid consent of parties, whether provision should be made by a process of *ad quod damnum*, or any other more eligible means for authorizing the sites which are necessary for the public defense to be appropriated to that purpose.

I am aware that as the consent of the legislature of the state to the purchase of the site may not, in some instances have been previously obtained, exclusive legislation cannot be exercised therein by Congress until that consent is given. But in the meantime it will be held under the same laws which protect the property of individuals in that state and other property of the United States and the legislatures at their next meetings will have opportunities of doing what will be so evidently called for by the interest of their own State.

FIRST ANNUAL MESSAGE.—DECEMBER 8, 1801.

Fellow Citizens of the Senate and House of Representatives:

It is a circumstance of sincere gratification to me that on meeting the great council of our nation, I am able to announce to them, on the grounds of reasonable certainty, that the wars and troubles which have for so many years afflicted our sister nations have at length come to an end, and that the communications of peace and commerce are once more opening among them. While we devoutly return thanks to the beneficent Being who has been pleased to breathe into them the spirit of conciliation and forgiveness, we are bound with peculiar gratitude to be thankful to him that our own peace has been preserved through so perilous a season, and ourselves permitted quietly to cultivate the earth and to practice and improve those arts which tend to increase our comforts. The assurances, indeed, of friendly disposition, received from all the powers with whom we have principal relations, had inspired a confidence that our peace with them would not have been disturbed. But a cessation of the irregularities which had affected the commerce of neutral nations, and of the irritations and injuries produced by them, cannot but add to this confidence; and strengthens, at the same time, the hope, that wrongs committed on unoffending friends, under a pressure of circumstances, will now be reviewed with candor, and will

be considered as founding just claims of retribution for the past and new assurance for the future.

Among our Indian neighbors, also, a spirit of peace and friendship generally prevails; and I am happy to inform you that the continued efforts to introduce among them the implements and the practice of husbandry, and of the household arts, have not been without success; that they are becoming more and more sensible of the superiority of this dependence for clothing and subsistence over the precarious resources of hunting and fishing; and already we are able to announce, that instead of that constant diminution of their numbers, produced by their wars and their wants, some of them begin to experience an increase of population.

To this state of general peace with which we have been blessed, one only exception exists. Tripoli, the least considerable of the Barbary States, had come forward with demands unfounded either in right or in compact, and had permitted itself to denounce war, on our failure to comply before a given day. The style of the demand admitted but one answer. I sent a small squadron of frigates into the Mediterranean, with assurances to that power of our sincere desire to remain in peace, but with orders to protect our commerce against the threatened attack. The measure was seasonable and salutary. The bey had already declared war in form. His cruisers were out. Two had arrived at Gibraltar. Our commerce in the Mediterranean was blockaded,

and that of the Atlantic in peril. The arrival of our squadron dispelled the danger. One of the Tripolitan cruisers having fallen in with, and engaged the small schooner Enterprise, commanded by Lieutenant Sterret, which had gone as a tender to our larger vessels, was captured, after a heavy slaughter of her men, without the loss of a single one on our part. The bravery exhibited by our citizens on that element, will, I trust, be a testimony to the world that it is not the want of that virtue which makes us seek their peace, but a conscientious desire to direct the energies of our nation to the multiplication of the human race, and not to its destruction. Unauthorized by the constitution, without the sanction of Congress, to go beyond the line of defence, the vessel being disabled from committing further hostilities, was liberated with its crew. The legislature will doubtless consider whether, by authorizing measures of offence, also, they will place our force on an equal footing with that of its adversaries. I communicate all material information on this subject, that in the exercise of the important function confided by the constitution to the legislature exclusively, their judgment may form itself on a knowledge and consideration of every circumstance of weight.

I wish I could say that our situation with all the other Barbary states was entirely satisfactory. Discovering that some delays had taken place in the performance of certain articles stipulated by us, I

thought it my duty, by immediate measures for fulfilling them, to vindicate to ourselves the right of considering the effect of departure from stipulation on their side. From the papers which will be laid before you, you will be enabled to judge whether our treaties are regarded by them as fixing at all the measure of their demands, or as guarding from the exercise of force our vessels within their power; and to consider how far it will be safe and expedient to leave our affairs with them in their present posture.

I lay before you the result of the census lately taken of our inhabitants, to a conformity with which we are to reduce the ensuing rates of representation and taxation. You will perceive that the increase of numbers during the last ten years, proceeding in geometrical ratio, promises a duplication in little more than twenty-two years. We contemplate this rapid growth, and the prospect it holds up to us, not with a view to the injuries it may enable us to do to others in some future day, but to the settlement of the extensive country still remaining vacant within our limits. to the multiplications of men susceptible of happiness, educated in the love of order, habituated to self-government, and valuing its blessings above all price.

Other circumstances, combined with the increase of numbers, have produced an augmentation of revenue arising from consumption, in a ratio far beyond that of population alone, and though the changes of foreign relations now taking place so desirably for

the world, may for a season affect this branch of revenue, yet, weighing all probabilities of expense, as well as of income, there is reasonable ground of confidence that we may now safely dispense with all the internal taxes, comprehending excises, stamps, auctions, licenses, carriages, and refined sugars, to which the postage on newspapers may be added, to facilitate the progress of information, and that the remaining sources of revenue will be sufficient to provide for the support of government, to pay the interest on the public debts, and to discharge the principals in shorter periods than the laws or the general expectations had contemplated. War, indeed, and untoward events, may change this prospect of things, and call for expenses which the imposts could not meet; but sound principles will not justify our taxing the industry of our fellow citizens to accumulate treasure for wars to happen we know not when, and which might not perhaps happen but from the temptations offered by that treasure.

These views, however, of reducing our burdens, are formed on the expectation that a sensible, and at the same time a salutary reduction, may take place in our habitual expenditures. For this purpose those of the civil government, the army, and navy, will need revisal.

When we consider that this government is charged with the external and mutual relations only of these states; that the states themselves have principal care of our persons, our property, and our reputation,

constituting the great field of human concerns, we may well doubt whether our organization is not too complicated, too expensive; whether offices and officers have not been multiplied unnecessarily, and sometimes injuriously to the service they were meant to promote. I will cause to be laid before you an essay toward a statement of those who, under public employment of various kinds, draw money from the treasury or from our citizens. Time has not permitted a perfect enumeration, the ramifications of office being too multiplied and remote to be completely traced in a first trial. Among those who are dependent on executive discretion, I have begun the reduction of what was deemed necessary. The expenses of diplomatic agency have been considerably diminished. The inspectors of internal revenue who were found to obstruct the accountability of the institution, have been discontinued. Several agencies created by executive authority, on salaries fixed by that also, have been suppressed, and should suggest the expediency of regulating that power by law, so as to subject its exercises to legislative inspection and sanction. Other reformations of the same kind will be pursued with that caution which is requisite in removing useless things, not to injure what is retained. But the great mass of public offices is established by law, and, therefore, by law alone can be abolished. Should the legislature think it expedient to pass this roll in review, and try all its parts by the test of public utility, they may be

assured of every aid and light which executive information can yield. Considering the general tendency to multiply offices and dependencies, and to increase expense to the ultimate term of burden which the citizen can bear, it behooves us to avail ourselves of every occasion which presents itself for taking off the surcharge; that it never may be seen here that, after leaving to labor the smallest portion of its earnings on which it can subsist, government shall itself consume the residue of what it was instituted to guard.

In our care, too, of the public contributions intrusted to our direction, it would be prudent to multiply barriers against their dissipation, by appropriating specific sums to every specific purpose susceptible of definition; by disallowing all applications of money varying from the appropriation in object, or transcending it in amount; by reducing the undefined field of contingencies, and thereby circumscribing discretionary powers over money; and by bringing back to a single department all accountabilities for money where the examination may be prompt, efficacious, and uniform.

An account of the receipts and expenditures of the last year, as prepared by the secretary of the treasury, will as usual be laid before you. The success which has attended the late sales of the public lands, shows that with attention they may be made an important source of receipt. Among the payments, those made in discharge of the principal and

interest of the national debt, will show that the public faith has been exactly maintained. To these will be added an estimate of appropriations necessary for the ensuing year. This last will of course be effected by such modifications of the systems of expense, as you shall think proper to adopt.

A statement has been formed by the secretary of war, on mature consideration, of all the posts and stations where garrisons will be expedient, and of the number of men requisite for each garrison. The whole amount is considerably short of the present military establishment. For the surplus no particular use can be pointed out. For defence against invasion, their number is as nothing; nor is it conceived needful or safe that a standing army should be kept up in time of peace for that purpose. Uncertain as we must ever be of the particular point in our circumference where an enemy may choose to invade us, the only force which can be ready at every point and competent to oppose them, is the body of neighboring citizens as formed into a militia. On these, collected from the parts most convenient, in numbers proportioned to the invading foe, it is best to rely, not only to meet the first attack, but if it threatens to be permanent, to maintain the defence until regulars may be engaged to relieve them. These considerations render it important that we should at every session continue to amend the defects which from time to time show themselves in the laws for regulating the militia, until they are suf-

ficiently perfect. Nor should we now or at any time separate, until we can say we have done everything for the militia which we could do were an enemy at our door.

The provisions of military stores on hand will be laid before you, that you may judge of the additions still requisite.

With respect to the extent to which our naval preparations should be carried, some difference of opinion may be expected to appear; but just attention to the circumstances of every part of the Union will doubtless reconcile all. A small force will probably continue to be wanted for actual service in the Mediterranean. Whatever annual sum beyond that you may think proper to appropriate to naval preparations, would perhaps be better employed in providing those articles which may be kept without waste or consumption, and be in readiness when any exigence calls them into use. Progress has been made, as will appear by papers now communicated, in providing materials for seventy-four gun ships as directed by law.

How far the authority given by the legislature for procuring and establishing sites for naval purposes has been perfectly understood and pursued in the execution, admits of some doubt. A statement of the expenses already incurred on that subject, shall be laid before you. I have in certain cases suspended or slackened these expenditures, that the legislature might determine whether so many yards

are necessary as have been contemplated. The works at this place are among those permitted to go on; and five of the seven frigates directed to be laid up, have been brought and laid up here, where, besides the safety of their position, they are under the eye of the executive administration, as well as of its agents, and where yourselves also will be guided by your own view in the legislative provisions respecting them which may from time to time be necessary. They are preserved in such condition, as well the vessels as whatever belongs to them, as to be at all times ready for sea on a short warning. Two others are yet to be laid up so soon as they shall have received the repairs requisite to put them also into sound condition. As a superintending officer will be necessary at each yard, his duties and emoluments, hitherto fixed by the executive, will be a more proper subject for legislation. A communication will also be made of our progress in the execution of the law respecting the vessels directed to be sold.

The fortifications of our harbors, more or less advanced, present considerations of great difficulty. While some of them are on a scale sufficiently proportioned to the advantages of their position, to the efficacy of their protection, and the importance of the points within it, others are so extensive, will cost so much in their first erection, so much in their maintenance, and require such a force to garrison them, as to make it questionable what is best now to be done. A statement of those commenced or pro-

jected, of the expenses already incurred, and estimates of their future cost, so far as can be foreseen, shall be laid before you, that you may be enabled to judge whether any attention is necessary in the laws respecting this subject.

Agriculture, manufactures, commerce, and navigation, the four pillars of our prosperity, are the most thriving when left most free to individual enterprise. Protection from casual embarrassments, however, may sometimes be seasonably interposed. If in the course of your observations or inquiries they should appear to need any aid within the limits of our constitutional powers, your sense of their importance is a sufficient assurance they will occupy your attention. We cannot, indeed, but all feel an anxious solicitude for the difficulties under which our carrying trade will soon be placed. How far it can be relieved, otherwise than by time, is a subject of important consideration.

The judiciary system of the United States, and especially that portion of it recently erected, will of course present itself to the contemplation of Congress; and that they may be able to judge of the proportion which the institution bears to the business it has to perform, I have caused to be procured from the several States, and now lay before Congress, an exact statement of all the causes decided since the first establishment of the courts, and of those which were depending when additional courts and judges were brought in to their aid.

And while on the judiciary organization, it will be worthy your consideration, whether the protection of the inestimable institution of juries has been extended to all the cases involving the security of our persons and property. Their impartial selection also being essential to their value, we ought further to consider whether that is sufficiently secured in those States where they are named by a marshal depending on executive will, or designated by the court or by officers dependent on them.

I cannot omit recommending a revisal of the laws on the subject of naturalization. Considering the ordinary chances of human life, a denial of citizenship under a residence of fourteen years is a denial to a great proportion of those who ask it, and controls a policy pursued from their first settlement by many of these States, and still believed of consequence to their prosperity. And shall we refuse the unhappy fugitives from distress that hospitality which the savages of the wilderness extended to our fathers arriving in this land? Shall oppressed humanity find no asylum on this globe? The constitution, indeed, has wisely provided that, for admission to certain offices of important trust, a residence shall be required sufficient to develop character and design. But might not the general character and capabilities of a citizen be safely communicated to every one manifesting a *bona fide* purpose of embarking his life and fortunes permanently with us? with restrictions, perhaps, to guard against the

fraudulent usurpation of our flag; an abuse which brings so much embarrassment and loss on the genuine citizen, and so much danger to the nation of being involved in war, that no endeavor should be spared to detect and suppress it.

These, fellow citizens, are the matters respecting the state of the nation, which I have thought of importance to be submitted to your consideration at this time. Some others of less moment, or not yet ready for communication, will be the subject of separate messages. I am happy in this opportunity of committing the arduous affairs of our government to the collected wisdom of the Union. Nothing shall be wanting on my part to inform, as far as in my power, the legislative judgment, nor to carry that judgment into faithful execution. The prudence and temperance of your discussions will promote, within your own walls, that conciliation which so much befriends rational conclusion; and by its example will encourage among our constituents that progress of opinion which is tending to unite them in object and in will. That all should be satisfied with any one order of things is not to be expected, but I indulge the pleasing persuasion that the great body of our citizens will cordially concur in honest and disinterested efforts, which have for their object to preserve the general and State governments in their constitutional form and equilibrium; to maintain peace abroad, and order and obedience to the laws at home; to establish principles and practices of

administration favorable to the security of liberty and property, and to reduce expenses to what is necessary for the useful purposes of government.

SECOND ANNUAL MESSAGE.—DECEMBER 15, 1802.

To the Senate and House of Representatives of the United States:—

When we assemble together, fellow citizens, to consider the state of our beloved country, our just attentions are first drawn to those pleasing circumstances which mark the goodness of that Being from whose favor they flow, and the large measure of thankfulness we owe for his bounty. Another year has come around, and finds us still blessed with peace and friendship abroad; law, order, and religion, at home; good affection and harmony with our Indian neighbors; our burdens lightened, yet our income sufficient for the public wants, and the produce of the year great beyond example. These, fellow citizens, are the circumstances under which we meet; and we remark with special satisfaction, those which, under the smiles of Providence, result from the skill, industry and order of our citizens, managing their own affairs in their own way and for their own use, unembarrassed by too much regulations, unoppressed by fiscal exactions.

On the restoration of peace in Europe, that portion of the general carrying trade which had fallen to our share during the war, was abridged by the returning

competition of the belligerent powers. This was to be expected, and was just. But in addition we find in some parts of Europe monopolizing discriminations, which, in the form of duties, tend effectually to prohibit the carrying thither our own produce in our own vessels. From existing amities, and a spirit of justice, it is hoped that friendly discussion will produce a fair and adequate reciprocity. But should false calculations of interest defeat our hope, it rests with the legislature to decide whether they will meet inequalities abroad with countervailing inequalities at home, or provide for the evil in any other way.

It is with satisfaction I lay before you an act of the British parliament anticipating this subject so far as to authorize a mutual abolition of the duties and countervailing duties permitted under the treaty of 1794. It shows on their part a spirit of justice and friendly accommodation which it is our duty and our interest to cultivate with all nations. Whether this would produce a due equality in the navigation between the two countries, is a subject for your consideration.

Another circumstance which claims attention, as directly affecting the very source of our navigation, is the defect or the evasion of the law providing for the return of seamen, and particularly of those belonging to vessels sold abroad. Numbers of them, discharged in foreign ports, have been thrown on the hands of our consuls, who, to rescue them from the dangers into which their distresses might plunge

them, and save them to their country, have found it necessary in some cases to return them at the public charge.

The cession of the Spanish province of Louisiana to France, which took place in the course of the late war, will, if carried into effect, make a change in the aspect of our foreign relations which will doubtless have a just weight in any deliberations of the legislature connected with that subject.

There was reason, not long since, to apprehend that the warfare in which we were engaged with Tripoli might be taken up by some others of the Barbary powers. A reinforcement, therefore, was immediately ordered to the vessels already there. Subsequent information, however, has removed these apprehensions for the present. To secure our commerce in that sea with the smallest force competent, we have supposed it best to watch strictly the harbor of Tripoli. Still, however, the shallowness of their coast, and the want of smaller vessels on our part, has permitted some cruisers to escape unobserved; and to one of these an American vessel unfortunately fell a prey. The captain, one American seaman, and two others of color, remain prisoners with them unless exchanged under an agreement formerly made with the bashaw, to whom, on the faith of that, some of his captive subjects had been restored.

The convention with the State of Georgia has been ratified by their legislature, and a repurchase from the Creeks has been consequently made of a part of

the Tallahassee county. In this purchase has been also comprehended part of the lands within the fork of Oconee and Oakmulgee rivers. The particulars of the contract will be laid before Congress so soon as they shall be in a state for communication.

In order to remove every ground of difference possible with our Indian neighbors, I have proceeded in the work of settling with them and marking the boundaries between us. That with the Choctaw nation is fixed in one part, and will be through the whole in a short time. The country to which their title had been extinguished before the revolution is sufficient to receive a very respectable population, which Congress will probably see the expediency of encouraging so soon as the limits shall be declared. We are to view this position as an outpost of the United States, surrounded by strong neighbors and distant from its support. And how far that monopoly which prevents population should here be guarded against, and actual habitation made a condition of the continuance of title, will be for your consideration. A prompt settlement, too, of all existing rights and claims within this territory, presents itself as a preliminary operation.

In that part of the Indian territory which includes Vincennes, the lines settled with the neighboring tribes fix the extinction of their title at a breadth of twenty-four leagues from east to west, and about the same length parallel with and including the Wabash. They have also ceded a tract of four

miles square, including the salt springs near the mouth of the river.

In the department of finance it is with pleasure I inform you that the receipts of external duties for the last twelve months have exceeded those of any former year, and that the ratio of increase has been also greater than usual. This has enabled us to answer all the regular exigencies of government, to pay from the treasury in one year upward of eight millions of dollars, principal and interest, of the public debt, exclusive of upward of one million paid by the sale of bank stock, and making in the whole a reduction of nearly five millions and a half of principal; and to have now in the treasury four millions and a half of dollars, which are in a course of application to a further discharge of debt and current demands. Experience, too, so far, authorizes us to believe, if no extraordinary event supervenes, and the expenses which will be actually incurred shall not be greater than were contemplated by Congress at their last session, that we shall not be disappointed in the expectations then formed. But nevertheless, as the effect of peace on the amount of duties is not yet fully ascertained, it is the more necessary to practice every useful economy, and to incur no expense which may be avoided without prejudice.

The collection of the internal taxes having been completed in some of the States, the officers employed in it are of course out of commission. In

others, they will be so shortly. But in a few, where the arrangement for the direct tax had been retarded, it will still be some time before the system is closed. It has not yet been thought necessary to employ the agent authorized by an act of the last session for transacting business in Europe relative to debts and loans. Nor have we used the power confided by the same act, of prolonging the foreign debts by reloans, and of redeeming, instead thereof, an equal sum of the domestic debt. Should, however, the difficulties of remittances on so large a scale render it necessary at any time, the power shall be executed, and the money thus unemployed abroad shall, in conformity with that law, be faithfully applied here in an equivalent extinction of domestic debt. When effects so salutary result from the plans you have already sanctioned, when merely by avoiding false objects of expense we are able, without a direct tax, without internal taxes, and without borrowing, to make large and effectual payments toward the discharge of our public debt and the emancipation of our posterity from that moral canker, it is an encouragement, fellow citizens, of the highest order, to proceed as we have begun, in substituting economy for taxation, and in pursuing what is useful for a nation placed as we are, rather than what is practiced by others under different circumstances. And whensoever we are destined to meet events which shall call forth all the energies of our countrymen, we have the firmest reliance on those energies, and the comfort of leaving

for calls like these the extraordinary resources of loans and internal taxes. In the meantime, by payments of the principal of our debt, we are liberating, annually, portions of the external taxes, and forming from them a growing fund still further to lessen the necessity of recurring to extraordinary resources.

The usual accounts of receipts and expenditures for the last year, with an estimate of the expenses of the ensuing one, will be laid before you by the secretary of the treasury.

No change being deemed necessary in our military establishment, an estimate of its expenses for the ensuing year on its present footing, as also of the sums to be employed in fortifications and other objects within that department, has been prepared by the secretary of war, and will make a part of the general estimates which will be presented to you.

Considering that our regular troops are employed for local purposes, and that the militia is our general reliance for great and sudden emergencies, you will doubtless think this institution worthy of a review, and give it those improvements of which you find it susceptible.

Estimates for the naval department, prepared by the secretary of the navy for another year, will in like manner be communicated with the general estimates. A small force in the Mediterranean will still be necessary to restrain the Tripoline cruisers, and the uncertain tenure of peace with some other of the Barbary powers, may eventually require that

force to be augmented. The necessity of procuring some smaller vessels for that service will raise the estimate, but the difference in their maintenance will soon make it a measure of economy.

Presuming it will be deemed expedient to expend annually a sum towards providing the naval defence which our situation may require, I cannot but recommend that the first appropriations for that purpose may go to the saving what we already possess. No cares, no attentions, can preserve vessels from rapid decay which lie in water and exposed to the sun. These decays require great and constant repairs, and will consume, if continued, a great portion of the money destined to naval purposes. To avoid this waste of our resources, it is proposed to add to our navy-yard here a dock, within which our vessels may be laid up dry and under cover from the sun. Under these circumstances experience proves that works of wood will remain scarcely at all affected by time. The great abundance of running water which this situation possesses, at heights far above the level of the tide, if employed as is practised for lock navigation, furnishes the means of raising and laying up our vessels on a dry and sheltered bed. And should the measure be found useful here, similar depositories for laying up as well as for building and repairing vessels may hereafter be undertaken at other navy-yards offering the same means. The plans and estimates of the work, prepared by a person of skill and experience, will be presented to

you without delay; and from this it will be seen that scarcely more than has been the cost of one vessel is necessary to save the whole, and that the annual sum to be employed toward its completion may be adapted to the views of the legislature as to naval expenditure.

To cultivate peace and maintain commerce and navigation in all their lawful enterprises; to foster our fisheries and nurseries of navigation and for the nurture of man, and protect the manufactures adapted to our circumstances; to preserve the faith of the nation by an exact discharge of its debts and contracts, expend the public money with the same care and economy we would practise with our own, and impose on our citizens no unnecessary burden; to keep in all things within the pale of our constitutional powers, and cherish the federal union as the only rock of safety—these, fellow citizens, are the landmarks by which we are to guide ourselves in all our proceedings. By continuing to make these our rule of action, we shall endear to our countrymen the true principles of their constitution, and promote a union of sentiment and of action equally auspicious to their happiness and safety. On my part, you may count on a cordial concurrence in every measure for the public good, and on all the information I possess which may enable you to discharge to advantage the high functions with which you are invested by your country.

SPECIAL MESSAGE.—JANUARY 28, 1802.[1]

Gentlemen of the Senate and House of Representatives:

I lay before you the accounts of our Indian trading houses, as rendered up to the first day of January, 1801, with a report of the secretary of war thereon, explaining the effects and the situation of that commerce, and the reasons in favor of its farther extension. But it is believed that the act authorizing this trade expired so long ago as the 3d of March, 1799. Its revival, therefore, as well as its extension, is submitted to the consideration of the legislature.

The act regulating trade and intercourse with the Indian tribes will also expire on the 3d day of March next. While on the subject of its continuance, it will be worthy the consideration of the legislature, whether the provisions of the law inflicting on Indians, in certain cases, the punishment of death by hanging, might not permit its commutation into death by military execution, the form of the punishment in the former way being peculiarly repugnant to their ideas, and increasing the obstacles to the surrender of the criminal.

These people are becoming very sensible of the baneful effects produced on their morals, their health and existence, by the abuse of ardent spirits, and some of them earnestly desire a prohibition of that article from being carried among them. The legis-

[1] See Confidential Message recommending a Western Exploring Expedition in Appendix, p. 489.

lature will consider whether the effectuating that desire would not be in the spirit of benevolence and liberality which they have hitherto practised toward these our neighbors, and which has had so happy an effect toward conciliating their friendship. It has been found too, in experience, that the same abuse gives frequent rise to incidents tending much to commit our peace with the Indians.

It is now become necessary to run and mark the boundaries between them and us in various parts. The law last mentioned has authorized this to be done, but no existing appropriation meets the expense.

Certain papers, explanatory of the grounds of this communication, are herewith enclosed.

SPECIAL MESSAGE.—FEBRUARY 24, 1803.

Gentlemen of the Senate and House of Representatives:

I lay before you a report of the secretary of state on the case of the Danish brigantine Henrick, taken by a French privateer in 1799, retaken by an armed vessel of the United States, carried into a British island and there adjudged to be neutral, but under an allowance of such salvage and costs as absorbed nearly the whole amount of sales of the vessel and cargo. Indemnification for these losses, occasioned by our officers, is now claimed by the sufferers, supported by the representation of their government. I have no doubt the legislature will give to the

subject that just attention and consideration which it is useful as well as honorable to practise in our transactions with other nations, and particularly with one which has observed toward us the most friendly treatment and regard.

THIRD ANNUAL MESSAGE.—OCTOBER 17, 1803.

To the Senate and House of Representatives of the United States:—

In calling you together, fellow citizens, at an earlier day than was contemplated by the act of the last session of Congress, I have not been insensible to the personal inconveniences necessarily resulting from an unexpected change in your arrangements. But matters of great public concernment have rendered this call necessary, and the interest you feel in these will supersede in your minds all private considerations.

Congress witnessed, at their last session, the extraordinary agitation produced in the public mind by the suspension of our right of deposit at the port of New Orleans, no assignment of another place having been made according to treaty. They were sensible that the continuance of that privation would be more injurious to our nation than any consequences which could flow from any mode of redress, but reposing just confidence in the good faith of the government whose officer had committed the wrong,

friendly and reasonable representations were resorted to, and the right of deposit was restored.

Previous, however, to this period, we had not been unaware of the danger to which our peace would be perpetually exposed while so important a key to the commerce of the western country remained under foreign power. Difficulties, too, were presenting themselves as to the navigation of other streams, which, arising within our territories, pass through those adjacent. Propositions had, therefore, been authorized for obtaining, on fair conditions, the sovereignty of New Orleans, and of other possessions in that quarter interesting to our quiet, to such extent as was deemed practicable; and the provisional appropriation of two millions of dollars, to be applied and accounted for by the president of the United States, intended as part of the price, was considered as conveying the sanction of Congress to the acquisition proposed. The enlightened Government of France saw, with just discernment, the importance to both nations of such liberal arrangements as might best and permanently promote the peace, friendship, and interests of both; and the property and sovereignty of all Louisiana, which had been restored to them, have on certain conditions been transferred to the United States by instruments bearing date the 30th of April last. When these shall have received the constitutional sanction of the senate, they will without delay be communicated to the representatives also, for the

exercise of their functions, as to those conditions which are within the powers vested by the constitution in Congress. While the property and sovereignty of the Mississippi and its waters secure an independent outlet for the produce of the western States, and an uncontrolled navigation through their whole course, free from collision with other powers and the dangers to our peace from that source, the fertility of the country, its climate and extent, promise in due season important aids to our treasury, an ample provision for our posterity, and a widespread field for the blessings of freedom and equal laws.

With the wisdom of Congress it will rest to take those ulterior measures which may be necessary for the immediate occupation and temporary government of the country; for its incorporation into our Union; for rendering the change of government a blessing to our newly-adopted brethren; for securing to them the rights of conscience and of property; for confirming to the Indian inhabitants their occupancy and self-government, establishing friendly and commercial relations with them, and for ascertaining the geography of the country acquired. Such materials for your information, relative to its affairs in general, as the short space of time has permitted me to collect, will be laid before you when the subject shall be in a state for your consideration.

Another important acquisition of territory has also been made since the last session of Congress. The

friendly tribe of Kaskaskia Indians with which we have never had a difference, reduced by the wars and wants of savage life to a few individuals unable to defend themselves against the neighboring tribes, has transferred its country to the United States, reserving only for its members what is sufficient to maintain them in an agricultural way. The considerations stipulated are, that we shall extend to them our patronage and protection, and give them certain annual aids in money, in implements of agriculture, and other articles of their choice. This country, among the most fertile within our limits, extending along the Mississippi from the mouth of the Illinois to and up the Ohio, though not so necessary as a barrier since the acquisition of the other bank, may yet be well worthy of being laid open to immediate settlement, as its inhabitants may descend with rapidity in support of the lower country should future circumstances expose that to foreign enterprize. As the stipulations in this treaty also involve matters within the competence of both houses only, it will be laid before Congress as soon as the senate shall have advised its ratification.

With many other Indian tribes, improvements in agriculture and household manufacture are advancing, and with all our peace and friendship are established on grounds much firmer than heretofore. The measure adopted of establishing trading houses among them, and of furnishing them necessaries in exchange for their commodities, at such moderated

prices as leave no gain, but cover us from loss, has the most conciliatory and useful effect upon them, and is that which will best secure their peace and good will.

The small vessels authorized by Congress with a view to the Mediterranean service, have been sent into that sea, and will be able more effectually to confine the Tripoline cruisers within their harbors, and supersede the necessity of convoy to our commerce in that quarter. They will sensibly lessen the expenses of that service the ensuing year.

A further knowledge of the ground in the north-eastern and north-western angles of the United States has evinced that the boundaries established by the treaty of Paris, between the British territories and ours in those parts, were too imperfectly described to be susceptible of execution. It has therefore been thought worthy of attention, for preserving and cherishing the harmony and useful intercourse subsisting between the two nations, to remove by timely arrangements what unfavorable incidents might otherwise render a ground of future misunderstanding. A convention has therefore been entered into, which provides for a practicable demarkation of those limits to the satisfaction of both parties.

An account of the receipts and expenditures of the year ending 30th September last, with the estimates for the service of the ensuing year, will be laid before you by the secretary of the treasury so soon as the receipts of the last quarter shall be

returned from the more distant States. It is already ascertained that the amount paid into the treasury for that year has been between eleven and twelve millions of dollars, and that the revenue accrued during the same term exceeds the sum counted on as sufficient for our current expenses, and to extinguish the public debt within the period heretofore proposed.

The amount of debt paid for the same year is about three millions one hundred thousand dollars, exclusive of interest, and making, with the payment of the preceding year, a discharge of more than eight millions and a half of dollars of the principal of that debt, besides the accruing interest; and there remain in the treasury nearly six millions of dollars. Of these, eight hundred and eighty thousand have been reserved for payment of the first instalment due under the British convention of January 8th, 1802, and two millions are what have been before mentioned as placed by Congress under the power and accountability of the president, toward the price of New Orleans and other territories acquired, which, remaining untouched, are still applicable to that object, and go in diminution of the sum to be funded for it.

Should the acquisition of Louisiana be constitutionally confirmed and carried into effect, a sum of nearly thirteen millions of dollars will then be added to our public debt, most of which is payable after fifteen years; before which term the present existing

debts will all be discharged by the established operation of the sinking fund. When we contemplate the ordinary annual augmentation of imposts from increasing population and wealth, the augmentation of the same revenue by its extension to the new acquisition, and the economies which may still be introduced into our public expenditures, I cannot but hope that Congress in reviewing their resources will find means to meet the intermediate interests of this additional debt without recurring to new taxes, and applying to this object only the ordinary progression of our revenue. Its extraordinary increase in times of foreign war will be the proper and sufficient fund for any measures of safety or precaution which that state of things may render necessary in our neutral position.

Remittances for the instalments of our foreign debt having been found practicable without loss, it has not been thought expedient to use the power given by a former act of Congress of continuing them by reloans, and of redeeming instead thereof equal sums of domestic debt, although no difficulty was found in obtaining that accommodation.

The sum of fifty thousand dollars appropriated by Congress for providing gun-boats, remains unexpended. The favorable and peaceful turn of affairs on the Mississippi rendered an immediate execution of that law unnecessary, and time was desirable in order that the institution of that branch of our force might begin on models the most approved by expe-

rience. The same issue of events dispensed with a resort to the appropriation of a million and a half of dollars contemplated for purposes which were effected by happier means.

We have seen with sincere concern the flames of war lighted up again in Europe, and nations with which we have the most friendly and useful relations engaged in mutual destruction. While we regret the miseries in which we see others involved, let us bow with gratitude to that kind Providence which, inspiring with wisdom and moderation our late legislative councils while placed under the urgency of the greatest wrongs, guarded us from hastily entering into the sanguinary contest, and left us only to look on and to pity its ravages. These will be heaviest on those immediately engaged. Yet the nations pursuing peace will not be exempt from all evil. In the course of this conflict, let it be our endeavor, as it is our interest and desire, to cultivate the friendship of the belligerent nations by every act of justice and of incessant kindness; to receive their armed vessels with hospitality from the distresses of the sea, but to administer the means of annoyance to none; to establish in our harbors such a police as may maintain law and order; to restrain our citizens from embarking individually in a war in which their country takes no part; to punish severely those persons, citizen or alien, who shall usurp the cover of our flag for vessels not entitled to it, infecting thereby with suspicion those of real Americans, and

committing us into controversies for the redress of wrongs not our own; to exact from every nation the observance, toward our vessels and citizens, of those principles and practices which all civilized people acknowledge; to merit the character of a just nation, and maintain that of an independent one, preferring every consequence to insult and habitual wrong. Congress will consider whether the existing laws enable us efficaciously to maintain this course with our citizens in all places, and with others while within the limits of our jurisdiction, and will give them the new modifications necessary for these objects. Some contraventions of right have already taken place, both within our jurisdictional limits and on the high seas. The friendly disposition of the governments from whose agents they have proceeded, as well as their wisdom and regard for justice, leave us in reasonable expectation that they will be rectified and prevented in future; and that no act will be countenanced by them which threatens to disturb our friendly intercourse. Separated by a wide ocean from the nations of Europe, and from the political interests which entangle them together, with productions and wants which render our commerce and friendship useful to them and theirs to us, it cannot be the interest of any to assail us, nor ours to disturb them. We should be most unwise, indeed, were we to cast away the singular blessings of the position in which nature has placed us, the opportunity she has endowed us with of pursuing, at a dis-

tance from foreign contentions, the paths of industry, peace, and happiness; of cultivating general friendship, and of bringing collisions of interest to the umpirage of reason rather than of force. How desirable then must it be, in a government like ours, to see its citizens adopt individually the views, the interests, and the conduct which their country should pursue, divesting themselves of those passions and partialities which tend to lessen useful friendships, and to embarrass and embroil us in the calamitous scenes of Europe. Confident, fellow citizens, that you will duly estimate the importance of neutral dispositions toward the observance of neutral conduct, that you will be sensible how much it is our duty to look on the bloody arena spread before us with commiseration indeed, but with no other wish than to see it closed, I am persuaded you will cordially cherish these dispositions in all discussions among yourselves, and in all communications with your constituents; and I anticipate with satisfaction the measures of wisdom which the great interests now committed to *you* will give you an opportunity of providing, and *myself* that of approving and carrying into execution with the fidelity I owe to my country.

SPECIAL MESSAGE.—OCTOBER 21, 1803.

To the Senate and House of Representatives of the United States:—

In my communication to you of the 17th instant, I informed you that conventions had been entered into with the government of France for the cession of Louisiana to the United States. These, with the advice and consent of the Senate, having now been ratified, and my ratification exchanged for that of the first consul of France in due form, they are communicated to you for consideration in your legislative capacity. You will observe that some important conditions cannot be carried into execution, but with the aid of the legislature; and that time presses a decision on them without delay.

The ulterior provisions, also suggested in the same communication, for the occupation and government of the country, will call for early attention. Such information relative to its government, as time and distance have enabled me to obtain, will be ready to be laid before you within a few days. But, as permanent arrangements for this object may require time and deliberation, it is for your consideration whether you will not, forthwith, make such temporary provisions for the preservation, in the meanwhile, of order and tranquillity in the country, as the case may require.

SPECIAL MESSAGE.—NOVEMBER 4, 1803.

To the Senate and House of Representatives of the United States:—

By the copy now communicated of a letter from Captain Bainbridge of the Philadelphia frigate, to our consul at Gibraltar, you will learn that an act of hostility has been committed on a merchant vessel of the United States by an armed ship of the Emperor of Morocco. This conduct on the part of that power is without cause and without explanation. It is fortunate that Captain Bainbridge fell in with and took the capturing vessel and her prize; and I have the satisfaction to inform you, that about the date of this transaction such a force would be arriving in the neighborhood of Gibraltar, both from the east and the west, as leaves less to be feared for our commerce from the suddenness of the aggression.

On the 4th of September, the Constitution frigate, Captain Preble, with Mr. Lear on board, was within two days' sail of Gibraltar, where the Philadelphia would then be arrived with her prize, and such explanations would probably be instituted as the state of thing required, and as might perhaps arrest the progress of hostilities.

In the meanwhile it is for Congress to consider the provisional authorities which may be necessary to restrain the depredations of this power, should they be continued.

SPECIAL MESSAGE.—NOVEMBER 25, 1803.

To the Senate and House of Representatives of the United States:—

The treaty with the Kaskaskia Indians being ratified with the advice and consent of the Senate, it is now laid before both Houses, in their legislative capacity. It will inform them of the obligations which the United States thereby contract, and particularly that of taking the tribe under their future protection; and that the ceded country is submitted to their immediate possession and disposal.

SPECIAL MESSAGE.—DECEMBER 5, 1803.

To the Senate and House of Representatives of the United States:—

I have the satisfaction to inform you that the act of hostility mentioned in my message of the 4th of November to have been committed by a cruiser of the emperor of Morocco on a vessel of the United States, has been disavowed by the Emperor. All difficulties in consequence thereof have been amicably adjusted, and the treaty of 1786, between this country and that, has been recognized and confirmed by the Emperor, each party restoring to the other what had been detained or taken. I enclose the Emperor's orders given on this occasion.

The conduct of our officers generally, who have

had a part in these transactions, has merited entire approbation.

The temperate and correct course pursued by our consul, Mr. Simpson, the promptitude and energy of Commodore Preble, the efficacious co-operation of Captains Rodgers and Campbell of the returning squadron, the proper decision of Captain Bainbridge that a vessel which had committed an open hostility was of right to be detained for inquiry and consideration, and the general zeal of the other officers and men, are honorable facts which I make known with pleasure. And to these I add what was indeed transacted in another quarter—the gallant enterprise of Captain Rodgers in destroying, on the coast of Tripoli, a corvette of that power, of twenty-two guns.

I recommended to the consideration of Congress a just indemnification for the interest acquired by the captors of the Mishouda and Mirboha, yielded by them for the public accommodation.

SPECIAL MESSAGE.—JANUARY 16, 1804.

To the Senate and House of Representatives of the United States:—

In execution of the act of the present session of Congress for taking possession of Louisiana, as ceded to us by France, and for the temporary government thereof, Governor Claiborne, of the Mississippi territory, and General Wilkinson, were appointed

commissioners to receive possession. They proceeded with such regular troops as had been assembled at Fort Adams, from the nearest posts, and with some militia of the Mississippi territory, to New Orleans. To be prepared for anything unexpected, which might arise out of the transaction, a respectable body of militia was ordered to be in readiness, in the States of Ohio, Kentucky, and Tennessee, and a part of those of Tennessee was moved on to Natchez. No occasion, however, arose for their services. Our commissioners, on their arrival at New Orleans, found the province already delivered by the commissaries of Spain to that of France, who delivered it over to them on the twentieth day of December, as appears by their declaratory act accompanying it. Governor Claiborne being duly invested with the powers heretofore exercised by the governor and intendant of Louisiana, assumed the government on the same day, and for the maintenance of law and order, immediately issued the proclamation and address now communicated.

On this important acquisition, so favorable to the immediate interests of our western citizens, so auspicious to the peace and security of the nation in general, which adds to our country territories so extensive and fertile, and to our citizens new brethren to partake of the blessings of freedom and self-government, I offer to Congress and the country, my sincere congratulations.

SPECIAL MESSAGE.—MARCH 20, 1804.

To the Senate and House of Representatives of the United States:—

I communicate to Congress, a letter received from Captain Bainbridge, commander of the Philadelphia frigate, informing us of the wreck of that vessel on the coast of Tripoli, and that himself, his officers, and men, had fallen into the hands of the Tripolitans. This accident renders it expedient to increase our force, and enlarge our expenses in the Mediterranean beyond what the last appropriation for the naval service contemplated. I recommend, therefore, to the consideration of Congress, such an addition to that appropriation as they may think the exigency requires.

FOURTH ANNUAL MESSAGE.—NOVEMBER 8, 1804.

To the Senate and House of Representatives of the United States:—

To a people, fellow citizens, who sincerely desire the happiness and prosperity of other nations; to those who justly calculate that their own well-being is advanced by that of the nations with which they have intercourse, it will be a satisfaction to observe that the war which was lighted up in Europe a little before our last meeting has not yet extended its flames to other nations, nor been marked by the calamities which sometimes stain the footsteps of

war. The irregularities too on the ocean, which generally harass the commerce of neutral nations, have, in distant parts, disturbed ours less than on former occasions. But in the American seas they have been greater from peculiar causes; and even within our harbors and jurisdiction, infringements on the authority of the laws have been committed which have called for serious attention. The friendly conduct of the governments from whose officers and subjects these acts have proceeded, in other respects and in places more under their observation and control, gives us confidence that our representations on this subject will have been properly regarded.

While noticing the irregularities committed on the ocean by others, those on our own part should not be omitted nor left unprovided for. Complaints have been received that persons residing within the United States have taken on themselves to arm merchant vessels, and to force a commerce into certain ports and countries in defiance of the laws of those countries. That individuals should undertake to wage private war, independently of the authority of their country, cannot be permitted in a well-ordered society. Its tendency to produce aggression on the laws and rights of other nations, and to endanger the peace of our own is so obvious, that I doubt not you will adopt measures for restraining it effectually in future.

Soon after the passage of the act of the last session, authorizing the establishment of a district and port

of entry on the waters of the Mobile, we learnt that its object was misunderstood on the part of Spain. Candid explanations were immediately given, and assurances that, reserving our claims in that quarter as a subject of discussion and arrangement with Spain, no act was meditated, in the meantime, inconsistent with the peace and friendship existing between the two nations, and that conformably to these intentions would be the execution of the law. That government had, however, thought proper to suspend the ratification of the convention of 1802. But the explanations which would reach them soon after, and still more, the confirmation of them by the tenor of the instrument establishing the port and district, may reasonably be expected to replace them in the dispositions and views of the whole subject which originally dictated the conviction.

I have the satisfaction to inform you that the objections which had been urged by that government against the validity of our title to the country of Louisiana have been withdrawn, its exact limits, however, remaining still to be settled between us. And to this is to be added that, having prepared and delivered the stock created in execution of the convention of Paris, of April 30, 1803, in consideration of the cession of that country, we have received from the government of France an acknowledgment, in due form, of the fulfilment of that stipulation.

With the nations of Europe in general our friendship and intercourse are undisturbed, and from the

governments of the belligerent powers especially we continue to receive those friendly manifestations which are justly due to an honest neutrality, and to such good offices consistent with that as we have opportunities of rendering.

The activity and success of the small force employed in the Mediterranean in the early part of the present year, the reinforcement sent into that sea, and the energy of the officers having command in the several vessels, will, I trust, by the sufferings of war, reduce the barbarians of Tripoli to the desire of peace on proper terms. Great injury, however, ensues to ourselves as well as to others interested, from the distance to which prizes must be brought for adjudication, and from the impracticability of bringing hither such as are not seaworthy.

The bey of Tunis having made requisitions unauthorized by our treaty, their rejection has produced from him some expressions of discontent. But to those who expect us to calculate whether a compliance with unjust demands will not cost us less than a war, we must leave as a question of calculation for them, also, whether to retire from unjust demands will not cost them less than a war. We can do to each other very sensible injuries by war, but the mutual advantages of peace make that the best interest of both.

Peace and intercourse with the other powers on the same coast continue on the footing on which they are established by treaty.

In pursuance of the act providing for the temporary government of Louisiana, the necessary officers for the territory of Orleans were appointed in due time, to commence the exercise of their functions on the first day of October. The distance, however, of some of them, and indispensable previous arrangements, may have retarded its commencement in some of its parts; the form of government thus provided having been considered but as temporary, and open to such improvements as further information of the circumstances of our brethren there might suggest, it will of course be subject to your consideration.

In the district of Louisiana, it has been thought best to adopt the division into subordinate districts, which had been established under its former government. These being five in number, a commanding officer has been appointed to each, according to the provision of the law, and so soon as they can be at their station, that district will also be in its due state of organization; in the meantime their places are supplied by the officers before commanding there. The functions of the Governor and Judges of Indiana have commenced; the government, we presume, is proceeding in its new form. The lead mines in that district offer so rich a supply of that metal, as to merit attention. The report now communicated will inform you of their state, and of the necessity of immediate inquiry into their occupation and titles.

With the Indian tribes established within our newly-acquired limits, I have deemed it necessary to open conferences for the purpose of establishing a good understanding and neighborly relations between us. So far as we have yet learned, we have reason to believe that their dispositions are generally favorable and friendly; and with these dispositions on their part, we have in our own hands means which cannot fail us for preserving their peace and friendship. By pursuing a uniform course of justice toward them, by aiding them in all the improvements which may better their condition, and especially by establishing a commerce on terms which shall be advantageous to them and only not losing to us, and so regulated as that no incendiaries of our own or any other nation may be permitted to disturb the natural effects of our just and friendly offices, we may render ourselves so necessary to their comfort and prosperity, that the protection of our citizens from their disorderly members will become their interest and their voluntary care. Instead, therefore, of an augmentation of military force proportioned to our extension of frontier, I proposed a moderate enlargement of the capital employed in that commerce, as a more effectual, economical, and humane instrument for preserving peace and good neighborhood with them.

On this side the Mississippi an important relinquishment of native title has been received from the Delawares. That tribe, desiring to extinguish in

their people the spirit of hunting, and to convert superfluous lands into the means of improving what they retain, have ceded to us all the country between the Wabash and the Ohio, south of, and including the road from the rapids towards Vincennes, for which they are to receive annuities in animals and implements for agriculture, and in other necessaries. This acquisition is important, not only for its extent and fertility, but as fronting three hundred miles on the Ohio, and near half that on the Wabash. The produce of the settled countries descending those rivers, will no longer pass in review of the Indian frontier but in a small portion, and with the cession heretofore made with the Kaskaskias, nearly consolidates our possessions north of the Ohio, in a very respectable breadth, from Lake Erie to the Mississippi. The Piankeshaws having some claim to the country ceded by the Delawares, it has been thought best to quiet that by fair purchase also. So soon as the treaties on this subject shall have received their constitutional sanctions, they shall be laid before both houses.

The act of Congress of February 28th, 1803, for building and employing a number of gun-boats, is now in a course of execution to the extent there provided for. The obstacle to naval enterprise which vessels of this construction offer for our seaport towns; their utility toward supporting within our waters the authority of the laws; the promptness with which they will be manned by the seamen and

militia of the place the moment they are wanting; the facility of their assembling from different parts of the coast to any point where they are required in greater force than ordinary; the economy of their maintenance and preservation from decay when not in actual service; and the competence of our finances to this defensive provision, without any new burden, are considerations which will have due weight with Congress in deciding on the expediency of adding to their number from year to year, as experience shall test their utility, until all our important harbors, by these and auxiliary means, shall be insured against insult and opposition to the laws.

No circumstance has arisen since your last session which calls for any augmentation of our regular military force. Should any improvement occur in the militia system, that will be always seasonable.

Accounts of the receipts and expenditures of the last year, with estimates for the ensuing one, will as usual be laid before you.

The state of our finances continue to fulfil our expectations. Eleven millions and a half of dollars received in the course of the year ending on the 30th of September last, have enabled us, after meeting all the ordinary expenses of the year, to pay upward of $3,600,000 of the public debt, exclusive of interest. This payment, with those of the two preceding years, has extinguished upward of twelve millions of the principal, and a greater sum of interest, within that period; and by a proportional diminution of

interest, renders already sensible the effect of the growing sum yearly applicable to the discharge of the principal.

It is also ascertained that the revenue accrued during the last year, exceeds that of the preceding; and the probable receipts of the ensuing year may safely be relied on as sufficient, with the sum already in the treasury, to meet all the current demands of the year, to discharge upward of three millions and a half of the engagements incurred under the British and French conventions, and to advance in the farther redemption of the funded debts as rapidly as had been contemplated. These, fellow citizens, are the principal matters which I have thought it necessary at this time to communicate for your consideration and attention. Some others will be laid before you in the course of the session, but in the discharge of the great duties confided to you by our country, you will take a broader view of the field of legislation. Whether the great interests of agriculture, manufactures, commerce, or navigation, can, within the pale of your constitutional powers, be aided in any of their relations; whether laws are provided in all cases where they are wanting; whether those provided are exactly what they should be; whether any abuses take place in their administration, or in that of the public revenues; whether the organization of the public agents or of the public force is perfect in all its parts; in fine, whether anything can be done to advance the general

good, are questions within the limits of your functions which will necessarily occupy your attention. In these and other matters which you in your wisdom may propose for the good of our country, you may count with assurance on my hearty co-operation and faithful execution.

SECOND INAUGURAL ADDRESS.—MARCH 4, 1805.

Proceeding, fellow citizens, to that qualification which the constitution requires, before my entrance on the charge again conferred upon me, it is my duty to express the deep sense I entertain of this new proof of confidence from my fellow citizens at large, and the zeal with which it inspires me, so to conduct myself as may best satisfy their just expectations.

On taking this station on a former occasion, I declared the principles on which I believed it my duty to administer the affairs of our commonwealth. My conscience tells me that I have, on every occasion, acted up to that declaration, according to its obvious import, and to the understanding of every candid mind.

In the transaction of your foreign affairs, we have endeavored to cultivate the friendship of all nations, and especially of those with which we have the most important relations. We have done them justice on all occasions, favored where favor was lawful, and cherished mutual interests and intercourse on fair and equal terms. We are firmly convinced,

and we act on that conviction, that with nations, as with individuals, our interests soundly calculated, will ever be found inseparable from our moral duties; and history bears witness to the fact, that a just nation is taken on its word, when recourse is had to armaments and wars to bridle others.

At home, fellow citizens, you best know whether we have done well or ill. The suppression of unnecessary offices, of useless establishments and expenses, enabled us to discontinue our internal taxes. These covering our land with officers, and opening our doors to their intrusions, had already begun that process of domiciliary vexation which, once entered, is scarcely to be restrained from reaching successively every article of produce and property. If among these taxes some minor ones fell which had not been inconvenient, it was because their amount would not have paid the officers who collected them, and because, if they had any merit, the state authorities might adopt them, instead of others less approved.

The remaining revenue on the consumption of foreign articles, is paid cheerfully by those who can afford to add foreign luxuries to domestic comforts, being collected on our seaboards and frontiers only, and incorporated with the transactions of our mercantile citizens, it may be the pleasure and pride of an American to ask, what farmer, what mechanic, what laborer, ever sees a tax-gatherer of the United States? These contributions enable us to support

the current expenses of the government, to fulfil contracts with foreign nations, to extinguish the native right of soil within our limits, to extend those limits, and to apply such a surplus to our public debts, as places at a short day their final redemption, and that redemption once effected, the revenue thereby liberated may, by a just repartition among the states, and a corresponding amendment of the constitution, be applied, *in time of peace*, to rivers, canals, roads, arts, manufactures, education, and other great objects within each state. *In time of war*, if injustice, by ourselves or others, must sometimes produce war, increased as the same revenue will be increased by population and consumption, and aided by other resources reserved for that crisis, it may meet within the year all the expenses of the year, without encroaching on the rights of future generations, by burdening them with the debts of the past. War will then be but a suspension of useful works, and a return to a state of peace, a return to the progress of improvement.

I have said, fellow citizens, that the income reserved had enabled us to extend our limits; but that extension may possibly pay for itself before we are called on, and in the meantime, may keep down the accruing interest; in all events, it will repay the advances we have made. I know that the acquisition of Louisiana has been disapproved by some, from a candid apprehension that the enlargement of our territory would endanger its union. But who

can limit the extent to which the federative principle may operate effectively? The larger our association, the less will it be shaken by local passions; and in any view, is it not better that the opposite bank of the Mississippi should be settled by our own brethren and children, than by strangers of another family? With which shall we be most likely to live in harmony and friendly intercourse?

In matters of religion, I have considered that its free exercise is placed by the constitution independent of the powers of the general government. I have therefore undertaken, on no occasion, to prescribe the religious exercises suited to it; but have left them, as the constitution found them, under the direction and discipline of State or Church authorities acknowledged by the several religious societies.

The aboriginal inhabitants of these countries I have regarded with the commiseration their history inspires. Endowed with the faculties and the rights of men, breathing an ardent love of liberty and independence, and occupying a country which left them no desire but to be undisturbed, the stream of overflowing population from other regions directed itself on these shores; without power to divert, or habits to contend against, they have been overwhelmed by the current, or driven before it; now reduced within limits too narrow for the hunter's state, humanity enjoins us to teach them agriculture and the domestic arts; to encourage them to that

industry which alone can enable them to maintain their place in existence, and to prepare them in time for that state of society, which to bodily comforts adds the improvement of the mind and morals. We have therefore liberally furnished them with the implements of husbandry and household use; we have placed among them instructors in the arts of first necessity; and they are covered with the ægis of the law against aggressors from among ourselves.

But the endeavors to enlighten them on the fate which awaits their present course of life, to induce them to exercise their reason, follow its dictates, and change their pursuits with the change of circumstances, have powerful obstacles to encounter; they are combated by the habits of their bodies, prejudice of their minds, ignorance, pride, and the influence of interested and crafty individuals among them, who feel themselves something in the present order of things, and fear to become nothing in any other. These persons inculcate a sanctimonious reverence for the customs of their ancestors; that whatsoever they did, must be done through all time; that reason is a false guide, and to advance under its counsel, in their physical, moral, or political condition, is perilous innovation; that their duty is to remain as their Creator made them, ignorance being safety, and knowledge full of danger; in short, my friends, among them is seen the action and counteraction of good sense and bigotry; they, too, have their anti-philosophers, who find an inter-

est in keeping things in their present state, who dread reformation, and exert all their faculties to maintain the ascendency of habit over the duty of improving our reason, and obeying its mandates.

In giving these outlines, I do not mean, fellow citizens, to arrogate to myself the merit of the measures; that is due, in the first place, to the reflecting character of our citizens at large, who, by the weight of public opinion, influence and strengthen the public measures; it is due to the sound discretion with which they select from among themselves those to whom they confide the legislative duties; it is due to the zeal and wisdom of the characters thus selected, who lay the foundations of public happiness in wholesome laws, the execution of which alone remains for others; and it is due to the able and faithful auxiliaries, whose patriotism has associated with me in the executive functions.

During this course of administration, and in order to disturb it, the artillery of the press has been levelled against us, charged with whatsoever its licentiousness could devise or dare. These abuses of an institution so important to freedom and science, are deeply to be regretted, inasmuch as they tend to lessen its usefulness, and to sap its safety; they might, indeed, have been corrected by the wholesome punishments reserved and provided by the laws of the several States against falsehood and defamation; but public duties more urgent press on the time of public servants, and the offenders have therefore

been left to find their punishment in the public indignation.

Nor was it uninteresting to the world, that an experiment should be fairly and fully made, whether freedom of discussion, unaided by power, is not sufficient for the propagation and protection of truth—whether a government, conducting itself in the true spirit of its constitution, with zeal and purity, and doing no act which it would be unwilling the whole world should witness, can be written down by falsehood and defamation. The experiment has been tried; you have witnessed the scene; our fellow citizens have looked on, cool and collected; they saw the latent source from which these outrages proceeded; they gathered around their public functionaries, and when the constitution called them to the decision by suffrage, they pronounced their verdict, honorable to those who had served them, and consolatory to the friend of man, who believes he may be intrusted with his own affairs.

No inference is here intended, that the laws, provided by the State against false and defamatory publications, should not be enforced; he who has time, renders a service to public morals and public tranquillity, in reforming these abuses by the salutary coercions of the law; but the experiment is noted, to prove that, since truth and reason have maintained their ground against false opinions in league with false facts, the press, confined to truth,

needs no other legal restrain; the public judgment will correct false reasonings and opinions, on a full hearing of all parties; and no other definite line can be drawn between the inestimable liberty of the press and its demoralizing licentiousness. If there be still improprieties which this rule would not restrain, its supplement must be sought in the censorship of public opinion.

Contemplating the union of sentiment now manifested so generally, as auguring harmony and happiness to our future course, I offer to our country sincere congratulations. With those, too, not yet rallied to the same point, the disposition to do so is gaining strength; facts are piercing through the veil drawn over them; and our doubting brethren will at length see, that the mass of their fellow citizens, with whom they cannot yet resolve to act, as to principles and measures, think as they think, and desire what they desire; that our wish, as well as theirs, is, that the public efforts may be directed honestly to the public good, that peace be cultivated, civil and religious liberty unassailed, law and order preserved, equality of rights maintained, and that state of property, equal or unequal, which results to every man from his own industry, or that of his fathers. When satisfied of these views, it is not in human nature that they should not approve and support them; in the meantime, let us cherish them with patient affection; let us do them justice, and more than justice, in all competitions of interest;

and we need not doubt that truth, reason, and their own interests, will at length prevail, will gather them into the fold of their country, and will complete their entire union of opinion, which gives to a nation the blessing of harmony, and the benefit of all its strength.

I shall now enter on the duties to which my fellow citizens have again called me, and shall proceed in the spirit of those principles which they have approved. I fear not that any motives of interest may lead me astray; I am sensible of no passion which could seduce me knowingly from the path of justice; but the weakness of human nature, and the limits of my own understanding, will produce errors of judgment sometimes injurious to your interests. I shall need, therefore, all the indulgence I have heretofore experienced—the want of it will certainly not lessen with increasing years. I shall need, too, the favor of that Being in whose hands we are, who led our forefathers, as Israel of old, from their native land, and planted them in a country flowing with all the necessaries and comforts of life; who has covered our infancy with his providence, and our riper years with his wisdom and power; and to whose goodness I ask you to join with me in supplications, that he will so enlighten the minds of your servants, guide their councils, and prosper their measures, that whatsoever they do, shall result in your good, and shall secure to you the peace, friendship, and approbation of all nations.

FIFTH ANNUAL MESSAGE.—DECEMBER 3, 1805.

To the Senate and House of Representatives of the United States:—

At a moment when the nations of Europe are in commotion and arming against each other, and when those with whom we have principal intercourse are engaged in the general contest, and when the countenance of some of them toward our peaceable country threatens that even that may not be unaffected by what is passing on the general theatre, a meeting of the representatives of the nation in both houses of Congress has become more than usually desirable. Coming from every section of our country, they bring with them the sentiments and the information of the whole, and will be enabled to give a direction to the public affairs which the will and wisdom of the whole will approve and support.

In taking a view of the state of our country, we in the first place notice the late affliction of two of our cities under the fatal fever which in latter times has occasionally visited our shores. Providence in his goodness gave it an early termination on this occasion, and lessened the number of victims which have usually fallen before it. In the course of the several visitations by this disease it has appeared that it is strictly local; incident to the cities and on the tide waters only; incommunicable in the country, either by persons under the disease or by goods carried from diseased places; that its access is with the

autumn, and that it disappears with the early frosts. These restrictions within narrow limits of time and space give security even to our maritime cities during three-fourths of the year, and to the country always. Although from these facts it appears unnecessary, yet to satisfy the fears of foreign nations, and cautions on their part not to be complained of in a danger whose limits are yet unknown to them, I have strictly enjoined on the officers at the head of the customs to certify with exact truth for every vessel sailing for a foreign port, the state of health respecting this fever which prevails at the place from which she sails. Under every motive from character and duty to certify the truth, I have no doubt they have faithfully executed this injunction. Much real injury has, however, been sustained from a propensity to identify with this epidemic, and to call by the same name, fevers of very different kinds, which have been known at all times and in all countries, and never have been placed among those deemed contagious. As we advance in our knowledge of this disease, as facts develop the sources from which individuals receive it, the state authorities charged with the care of the public health, and Congress with that of the general commerce, will become able to regulate with effect their respective functions in these departments. The burden of quarantines is felt at home as well as abroad; their efficacy merits examination. Although the health laws of the States should be found to need no present

revisal by Congress, yet commerce claims that their attention be ever awake to them.

Since our last meeting the aspect of our foreign relations has considerably changed. Our coasts have been infested and our harbors watched by private armed vessels, some of them without commissions, some with illegal commissions, others with those of legal form but committing piratical acts beyond the authority of their commissions. They have captured in the very entrance of our harbors, as well as on the high seas, not only the vessels of our friends coming to trade with us, but our own also. They have carried them off under pretence of legal adjudication, but not daring to approach a court of justice, they have plundered and sunk them by the way, or in obscure places where no evidence could arise against them; maltreated the crews, and abandoned them in boats in the open sea or on desert shores without food or covering. These enormities appearing to be unreached by any control of their sovereigns, I found it necessary to equip a force to cruise within our own seas, to arrest all vessels of these descriptions found hovering on our coast within the limits of the Gulf Stream, and to bring the offenders in for trial as pirates.

The same system of hovering on our coasts and harbors under color of seeking enemies, has been also carried on by public armed ships, to the great annoyance and oppression of our commerce. New principles, too, have been interloped into the law

of nations, founded neither in justice nor the usage or acknowledgment of nations. According to these, a belligerent takes to himself a commerce with its own enemy which it denies to a neutral, on the ground of its aiding that enemy in the war. But reason revolts at such an inconsistency, and the neutral having equal right with the belligerent to decide the question, the interest of our constituents and the duty of maintaining the authority of reason, the only umpire between just nations, impose on us the obligation of providing an effectual and determined opposition to a doctrine so injurious to the rights of peaceable nations. Indeed, the confidence we ought to have in the justice of others, still countenances the hope that a sounder view of those rights will of itself induce from every belligerent a more correct observance of them.

With Spain our negotiations for a settlement of differences have not had a satisfactory issue. Spoliations during the former war, for which she had formally acknowledged herself responsible, have been refused to be compensated, but on conditions affecting other claims in nowise connected with them. Yet the same practices are renewed in the present war, and are already of great amount. On the Mobile, our commerce passing through that river continues to be obstructed by arbitrary duties and vexatious searches. Propositions for adjusting amicably the boundaries of Louisiana have not been acceded to. While, however, the right is unsettled,

we have avoided changing the state of things by taking new posts or strengthening ourselves in the disputed territories, in the hope that the other power would not, by contrary conduct, oblige us to meet their example, and endanger conflicts of authority the issue of which may not be easily controlled. But in this hope we have now reason to lessen our confidence. Inroads have been recently made into the territories of Orleans and the Mississippi, our citizens have been seized and their property plundered in the very parts of the former which had been actually delivered up by Spain, and this by the regular officers and soldiers of that government. I have therefore found it necessary at length to give orders to our troops on that frontier to be in readiness to protect our citizens, and to repel by arms any similar aggression in future. Other details, necessary for your full information of the state of things between this country and that shall be the subject of another communication.

In reviewing these injuries from some of the belligerent powers, the moderation, the firmness, and the wisdom of the legislature will be all called into action. We ought still to hope that time and a more correct estimate of interest, as well as of character, will produce the justice we are bound to expect. But should any nation deceive itself by false calculations, and disappoint that expectation, we must join in the unprofitable contest of trying which party can do the other the most harm. Some of

these injuries may perhaps admit a peaceable remedy. Where that is competent it is always the most desirable. But some of them are of a nature to be met by force only, and all of them may lead to it. I cannot, therefore, but recommend such preparations as circumstances call for. The first object is to place our seaport towns out of the danger of insult. Measures have been already taken for furnishing them with heavy cannon for the service of such land batteries as may make a part of their defence against armed vessels approaching them. In aid of these it is desirable that we should have a competent number of gun-boats; and the number, to be competent, must be considerable. If immediately begun, they may be in readiness for service at the opening of the next season. Whether it will be necessary to augment our land forces will be decided by occurrences probably in the course of your session. In the meantime, you will consider whether it would not be expedient, for a state of peace as well as of war, so to organize or class the militia as would enable us, on a sudden emergency, to call for the services of the younger portions, unencumbered with the old and those having families. Upward of three hundred thousand able-bodied men, between the ages of eighteen and twenty-six years, which the last census shows we may now count within our limits, will furnish a competent number for offence or defence in any point where they may be wanted, and will give time for raising regular forces after

the necessity of them shall become certain; and the reducing to the early period of life all its active service cannot but be desirable to our younger citizens, of the present as well as future times, inasmuch as it engages to them in more advanced age a quiet and undisturbed repose in the bosom of their families. I cannot, then, but earnestly recommend to your early consideration the expediency of so modifying our militia system as, by a separation of the more active part from that which is less so, we may draw from it, when necessary, an efficient corps fit for real and active service, and to be called to it in regular rotation.

Considerable provision has been made, under former authorities from Congress, of materials for the construction of ships of war of seventy-four guns. These materials are on hand, subject to the further will of the legislature.

An immediate prohibition of the exportation of arms and ammunition is also submitted to your determination.

Turning from these unpleasant views of violence and wrong, I congratulate you on the liberation of our fellow citizens who were stranded on the coast of Tripoli and made prisoners of war. In a government bottomed on the will of all, the life and liberty of every individual citizen become interesting to all. In the treaty, therefore, which has concluded our warfare with that State, an article for the ransom of our citizens has been agreed to. An operation

by land, by a small band of our countrymen, and others—engaged for the occasion, in conjunction with the troops of the ex-bashaw of that country, gallantly conducted by our late consul Eaton, and their successful enterprise on the city of Derne, contributed, doubtless, to the impression which produced peace; and the conclusion of this prevented opportunities of which the officers and men of our squadron destined for Tripoli would have availed themselves, to emulate the acts of valor exhibited by their brethren in the attack of the last year. Reflecting with high satisfaction on the distinguished bravery displayed whenever occasion permitted in the Mediterranean service, I think it would be a useful encouragement, as well as a just reward, to make an opening for some present promotion by enlarging our peace establishment of captains and lieutenants.

With Tunis some misunderstandings have arisen, not yet sufficiently explained, but friendly discussions with their Ambassador recently arrived, and a mutual disposition to do whatever is just and reasonable, cannot fail of dissipating these; so that we may consider our peace on that coast, generally, to be on as sound a footing as it has been at any preceding time. Still it will not be expedient to withdraw, immediately, the whole of our force from that sea.

The law for providing a naval peace establishment fixes the number of frigates which shall be kept in

constant service in time of peace, and prescribes that they shall not be manned by more than two-thirds of their complement of seamen and ordinary seamen. Whether a frigate may be trusted to two-thirds only of her proper complement of men must depend on the nature of the service on which she is ordered; that may sometimes, for her safety, as well as to insure her object, require her fullest complement. In adverting to this subject, Congress will perhaps consider whether the best limitation on the executive discretion in this case would not be by the number of seamen which may be employed in the whole service, rather than by the number of vessels. Occasions oftener arise for the employment of small than of large vessels, and it would lessen risk as well as expense to be authorized to employ them of preference. The limitation suggested by the number of seamen would admit a selection of vessels best adapted to the service.

Our Indian neighbors are advancing, many of them with spirit and others beginning to engage, in the pursuits of agriculture and household manufacture. They are becoming sensible that the earth yields subsistence with less labor and more certainty than the forest, and find it their interest, from time to time, to dispose of parts of their surplus and waste lands for the means of improving those they occupy, and of subsisting their families while they are preparing their farms. Since your last session, the northern tribes have sold to us the lands be-

tween the Connecticut reserve and the former Indian boundary; and those on the Ohio, from the same boundary to the rapids, and for a considerable depth inland. The Chickasaws and Cherokees have sold us the country between and adjacent to the two districts of Tennessee, and the Creeks, the residue of their lands in the fork of Ocmulgee, up to the Ulcofauhatche. The three former purchases are important, inasmuch as they consolidate disjointed parts of our settled country, and render their intercourse secure; and the second particularly so, as with the small point on the river which we expect is by this time ceded by the Piankeshaws, it completes our possession of the whole of both banks of the Ohio, from its source to near its mouth, and the navigation of that river is thereby rendered forever safe to our citizens settled and settling on its extensive waters. The purchase from the Creeks too has been for some time particularly, interesting to the State of Georgia.

The several treaties which have been mentioned will be submitted to both houses of Congress for the exercise of their respective functions.

Deputations now on their way to the seat of government, from various nations of Indians inhabiting the Missouri and other parts beyond the Mississippi, come charged with the assurances of their satisfaction with the new relations in which they are placed with us, of their disposition to cultivate our peace and friendship, and their desire to enter into commercial

intercourse with us. A statement of our progress in exploring the principal rivers of that country, and of the information respecting them hitherto obtained, will be communicated so soon as we shall receive some further relations which we have reason shortly to expect.

The receipts at the treasury during the year ending the 30th day of September last, have exceeded the sum of thirteen millions of dollars, which, with not quite five millions in the treasury at the beginning of the year, have enabled us, after meeting other demands, to pay nearly two millions of the debt contracted under the British treaty and convention, upward of four millions of principal of the public debt, and four millions of interest. These payments, with those which had been made in three years and a half preceding, have extinguished of the funded debt nearly eighteen millions of principal. Congress, by their act of November 10th, 1803, authorized us to borrow one million seven hundred and fifty thousand dollars, toward meeting the claims of our citizens assumed by the convention with France. We have not, however, made use of this authority, because the sum of four millions and a half, which remained in the treasury on the same 30th day of September last, with the receipts which we may calculate on for the ensuing year, besides paying the annual sum of eight millions of dollars appropriated to the funded debts, and meeting all the current demands which may be expected, will

enable us to pay the whole sum of three millions seven hundred and fifty thousand dollars assumed by the French convention, and still leaves a surplus of nearly a million of dollars at our free disposal. Should you concur in the provisions of arms and armed vessels recommended by the circumstances of the times, this surplus will furnish the means of doing so.

On this first occasion of addressing Congress, since, by the choice of my constituents, I have entered on a second term of administration, I embrace the opportunity to give this public assurance, that I will exert my best endeavors to administer faithfully the executive department, and will zealously co-operate with you in every measure which may tend to secure the liberty, property, and personal safety of our fellow citizens, and to consolidate the republican forms and principles of our government.

In the course of your session you shall receive all the aid which I can give for the despatch of the public business, and all the information necessary for your deliberations, of which the interests of our own country and the confidence reposed in us by others will admit a communication.

CONFIDENTIAL MESSAGE ON SPANISH SPOLIATIONS.[1]

December 6, 1805.

To the Senate and House of Representatives of the United States:—

The depredations which had been committed on the commerce of the United States during a preceding war, by persons under the authority of Spain, are sufficiently known to all. These made it a duty

[1] This message was not included in the Congressional Edition of 1853. The words enclosed in brackets were crossed out in the original manuscript. The message was sent to Congress with the following letter:

"Sir,—In order to give to Congress the details necessary for their full information of the state of things between Spain and the United States I send them the communication and documents now enclosed. Although stated to be confidential, that term is not meant to be extended to all the documents; the greater part of which are proper for the public eye. It is applied only to the message itself, and to the letters from our own and foreign ministers, which, if disclosed, might throw additional difficulties in the way of accommodation. These alone, therefore, are delivered to the legislature in confidence that they will be kept secret.

"December 6, 1805."

Here follows a document written by Jefferson entitled "Notes for Message."

"File December 2, 1805.

"As we omit in the second message to enumerate the aggressions of Spain and refer for them to the documents, we must furnish the documents for every Act, particularly,

"1. The capture of the Huntress.

"2. The carrying our gun-boats into Algerinas.

"5–3. The late depredations on our commerce in Europe. Extracts from Pinckney's letters.

"5–4. Oppressions on our commerce at Mobile.

"5–5. Delays in the evacuation of New Orleans.

"5–6. Dissemination of rumors of the probable restoration of Louisiana to Spain.

"7. The new post taken on this side Sabine.

"8. The reinforcement of Nacogdoches.

to require from that government indemnifications for our injured citizens. A convention was accord-

"9. The robbery near Apelousa.

"10. That at Bayou Pierre.

"11. The Pattroles established on this side Sabine.

"5–12. The aggression on the Mississippi territory in the case of the Kempers.

"5–13. The subsequent one in the case of Flanagan and his wife.

"5–14. The negotiation at Madrid.

"No. 1. 2. from Navy department.

"7, 8. 9. 10. 11. from the War office.

"4. 5. 6. from the offices both of War and State.

"3. 12. 13. 14. from the office of State.

(This is endorsed): "President's list of documents for 1st session of Congress of 1805."

The following resolutions were submitted to the Cabinet by Jefferson:

"For consideration and correction. Th. J.

"1. Resolved, that no armed men, not being citizens of the United States ought to be permitted to enter or remain, nor any authority to be exercised but under the laws of the United States, within the former colony or province of Louisiana in the extent in which it was in the hands of Spain.

"2. *Resolved, that as to the residue of the said 'former colony or province of Louisiana, in the extent it had when France possessed it,' a peaceable adjustment of that extent is most reasonable and desirable, so far as it can be effected consistently with the honor of the United States.*

"3. Resolved, that pending measures for such peaceable adjustment, neither party ought to take new posts therein, nor to strengthen those they held before the 1st day of October, 1800, and that any proceeding to the contrary on the part of Spain ought to be opposed by force, and by taking possession of such posts as may be necessary to maintain the rights of the United States.

"4. Resolved, that the subjects of Spain still on the Mississippi and its waters ought to be allowed an innocent passage, free from all imposts, along that part of the river which passes through the territory of the United States. And the citizens of the United States on the Mobile and its waters ought to be allowed an innocent passage, free from all imposts, along that part of the river below them which passes through the territory still held by Spain, but claimed by both parties;

"Or that imposts should be levied for and by the United States on the navigation of the Mississippi by Spanish subjects, countervailing

ingly entered into between the Ministers of the United States at Madrid and the Minister of that government for foreign affairs, by which it was agreed that spoliations committed by Spanish subjects and carried into ports of Spain should be paid for by that nation; and that those committed by French subjects, and carried into Spanish ports should remain for further discussion. Before this Convention was returned to Spain with our ratification, the transfer of Louisiana by France to the United States took place, an event as unexpected as disagreeable to Spain. From that moment she seemed to change her conduct and dispositions towards us. It was first manifested by her protest

those which may be levied for and by Spain on the navigation of the Mobile by citizens of the United States.

"And that the navigation of the Mississippi by Spanish subjects should be prohibited whensoever that of the Mobile by citizens of the United States shall be prohibited.

"5. Resolved, that in support of these resolutions, and of the consequences which may proceed from them, the citizens of the United States, by their Senate and Representatives in Congress assembled, do pledge their lives and fortunes; and that the execution of these resolutions be vested with the President of the United States.

"6. Resolved, that for carrying these resolutions into effect, whether amicably or by the use of force, the President be authorized to apply any moneys in the Treasury of the United States not otherwise appropriated.

"7. Resolved, that the President of the United States ought to be authorized by law to employ the armed vessels of the United States which may be in commission, for restraining the irregularities and oppressions of our commerce, other than those which amount to piracy, by privateers cruising within the Gulf Stream, in the gulf itself, or among the islands bordering on it, and that a bill be brought in for that purpose."

against the right of France to alienate Louisiana to us, which however was soon retracted, and the right confirmed. Then high offence was manifested at the act of Congress establishing a collection district on the Mobile, although by an authentic declaration immediately made, it was expressly confined to our acknowledged limits. And she now refused to ratify the Convention signed by her own Minister under the eye of his Sovereign, unless we would relinquish all consent to alterations of its terms which would have affected our claims against her for the spoliations by the French subjects carried into Spanish ports.

To obtain justice, as well as to restore friendship, I thought a special mission advisable, and accordingly appointed James Monroe, Minister Extraordinary and Plenipotentiary, to repair to Madrid, and in conjunction with our Minister resident there, to endeavor to procure a ratification of the former Convention, and to come to an understanding with Spain as to the boundaries of Louisiana. It appeared at once that her policy was to reserve herself for events, and in the meantime [to avoid all explanations and engagements] to keep our differences in an undetermined state. This will be evident from the papers now communicated to you. After [yielding to their delays until their object could no longer be doubted] nearly five months of fruitless endeavor to bring them to some definite [accommodation] and satisfactory result our Ministers ended the conferences,

without having been able to obtain indemnity for spoliations of any description, or any satisfaction as to the boundaries of Louisiana, other than a declaration [on their part] that we had no rights Eastward of the Iberville, and that our line to the west was one which would have left us but a string of land on that bank of the river Mississippi. Our injured citizens were thus left without any prospect of retribution from the wrong-doer; and as to the boundary each party was to take its own course. That which they have chosen to pursue will appear from the documents now communicated. They authorize the inference that it is their intention to advance on our possessions until they shall be repressed by an opposing force. Considering that Congress alone is constitutionally invested with the power of changing our condition from peace to war, I have thought it my duty to await their authority for using force in any degree which could be avoided. I have barely instructed the officers stationed in the neighborhood of the aggressions to protect our citizens from violence, to patrol within the borders actually delivered to us, and not to go out of them but when necessary to repel an inroad, or to rescue a citizen or his property. And the Spanish officers remaining at New Orleans are required to depart without further delay. It ought to be noted here that since the late change in the state of affairs in Europe, Spain has ordered her cruisers and courts to respect our treaty with her.

The conduct of France, and the part she may take in the misunderstandings between the United States and Spain, are too important to be unconsidered. She was prompt and decided in her declarations that our demands on Spain for French spoliations carried into Spanish ports, were included in the settlement between the United States and France. She took at once the ground that she had acquired no right from Spain and had meant to deliver us none, Eastward of the Iberville: her silence as to the Western boundary leaving us to infer her opinion [in favor of our claims to the Rio Bravo: and we know that her commissary had orders to require possession to that river] might be against Spain in that quarter. Whatever direction she might mean to give to these differences, it does not appear that [is sufficient reason to believe I am satisfied] she has [not] contemplated their proceeding to actual rupture, or that, as the date of our last advices from Paris, her government had any suspicion of a hostile attitude Spain had taken here. On the contrary we [are without a doubt] have reason to believe that she was disposed to effect a settlement on a plan analogous to what our ministers had proposed, and so comprehensive as to remove as far as possible the grounds of future [misunderstanding] collision and controversy on the Eastern as well as Western side of the Mississippi.

The present crisis in Europe is favorable for pressing such a settlement: and not a moment should be lost in availing ourselves of it. Should it pass unim-

proved, our situation would become much more difficult. Formal war is not necessary. It is not probable it will follow. But the protection of our citizens, the spirit and honor of our country, require that force should be interposed to a certain degree. It will probably contribute to advance the object of peace.

But the course to be pursued will require the command of means which it belongs to Congress exclusively to yield or to deny. To them I communicate every fact material for their information, and the documents necessary to enable them to judge for themselves. To their wisdom then I look for the course I am to take, and will pursue with sincere zeal that which they shall approve.

SPECIAL MESSAGE.—JANUARY 13, 1806.

To the Senate and House of Representatives of the United States:—

I lay before Congress the application of Hamet Caramalli, elder brother of the reigning bashaw of Tripoli, soliciting from the United States attention to his services and sufferings in the late war against that State. And in order to possess them of the ground on which that application stands, the facts shall be stated according to the views and information of the executive.

During the war with Tripoli, it was suggested that Hamet Caramalli, elder brother of the reigning

bashaw, and driven by him from his throne, meditated the recovery of his inheritance, and that a concert in action with us was desirable to him. We considered that concerted operations by those who have a common enemy were entirely justifiable, and might produce effects favorable to both, without binding either to guaranty the objects of the other. But the distance of the scene, the difficulties of communication, and the uncertainty of our information, inducing the less confidence in the measures, it was committed to our agents as one which might be resorted to if it promised to promote our success.

Mr. Eaton, however (our late consul), on his return from the Mediterranean, possessing a personal knowledge of the scene, and having confidence in the effect of a joint operation, we authorized Commodore Barron, then proceeding with his squadron, to enter into an understanding with Hamet if he should deem it useful; and as it was represented that he would need some aids of arms, and ammunition, and even of money, he was authorized to furnish them to a moderate extent, according to the prospect of utility to be expected from it. In order to avail him of the advantages of Mr. Eaton's knowledge of circumstances, an occasional employment was provided for the latter as an agent for the navy in that sea. Our expectation was, that an intercourse should be kept up between the ex-bashaw and the commodore, that while the former moved on by land, our squadron should proceed with equal pace so as to arrive at

their destination together, and to attack the common enemy by land and sea at the same time. The instructions of June 6th, to Commodore Barron, show that a co-operation only was intended, and by no means a union of our object with the fortune of the ex-bashaw, and the commodore's letters of March 22d and May 19th proved that he had the most correct idea of our intentions. His verbal instructions, indeed, to Mr. Eaton and Captain Hull, if the expressions are accurately committed to writing by those gentlemen, do not limit the extent of his co-operation as rigorously as he probably intended; but it is certain, from the ex-bashaw's letter of January 3d, written when he was proceeding to join Mr. Eaton, and in which he says, "Your operations should be carried on by sea, mine by land," that he left the position in which he was with a proper idea of the nature of the co-operation. If Mr. Eaton's subsequent convention should appear to bring forward other objects, his letter of April 29th and May 1st views this convention but as provisional, the second article, as he expressly states, guarding it against any ill effect; and his letter of June 30th confirms this construction.

In the event it was found that after placing the ex-bashaw in possession of Derne, one of the most important cities and provinces of the country, where he had resided himself as governor, he was totally unable to command any resources, or to bear any part in the co-operation with us. This hope was

then at an end, and we certainly had never contemplated, nor were we prepared to land an army of our own, or to raise, pay, or subsist, an army of Arabs, to march from Derne to Tripoli and to carry on a land war at such a distance from our resources. Our means and our authority were merely naval, and that such were the expectations of Hamet, his letter of June 29th is an unexpected acknowledgment. While, therefore, an impression from the capture of Derne might still operate at Tripoli, and an attack on that place from our squadron was daily expected, Colonel Lear thought it the best moment to listen to overtures of peace then made by the bashaw. He did so, and while urging provisions for the United States, he paid attention also to the interests of Hamet; but was able to effect nothing more than to engage the restitution of his family, and even the persevering in this demand suspended for some time the conclusion of the treaty.

In operations at such a distance, it becomes necessary to leave much to the discretion of the agents employed, but events may still turn up beyond the limits of that discretion. Unable in such case to consult his government, a zealous citizen will act as he believes that would direct him were it apprized of the circumstances, and will take on himself the responsibility. In all these cases the purity and patriotism of the motives should shield the agent from blame, and even secure the sanction where the error is not too injurious. Should it be thought by

any that the verbal instructions said to have been given by Commodore Barron to Mr. Eaton amount to a stipulation that the United States should place Hamet Caramalli on the throne of Tripoli, a stipulation so entirely unauthorized, so far beyond our views, and so onerous, could not be sanctioned by our government; or should Hamet Caramalli, contrary to the evidence of his letters of January 3d and June 29th, be thought to have left the position which he now seems to regret, under a mistaken expectation that we were at all events to place him on his throne, on an appeal to the liberality of the nation, something equivalent to the replacing him in his former situation, might be worthy its consideration.

A nation, by establishing a character of liberality and magnanimity, gains in the friendship and respect of others more than the worth of mere money. This appeal is now made by Hamet Caramalli to the United States. The ground he has taken being different not only from our views but from those expressed by himself on former occasions, Mr. Eaton was desired to state whether any verbal communications passed from him to Hamet, which had varied what we saw in writing. His answer of December 5th is herewith transmitted, and has rendered it still more necessary, that in presenting to the legislature the application of Hamet, I should present them at the same time an exact statement of the views and proceedings of the executive through this whole business, that they may clearly understand the

ground on which we are placed. It is accompanied by all the papers which bear any relation to the principles of the co-operation, and which can inform their judgment in deciding on the application of Hamet Caramalli.

SPECIAL MESSAGE.—JANUARY 17, 1806.

To the Senate and House of Representatives of the United States:—

In my message to both houses of Congress at the opening of their present session, I submitted to their attention, among other subjects, the oppression of our commerce and navigation by the irregular practices of armed vessels, public and private, and by the introduction of new principles, derogatory of the rights of neutrals, and unacknowledged by the usage of nations.

The memorials of several bodies of merchants of the United States are now communicated, and will develop these principles and practices which are producing the most ruinous effects on our lawful commerce and navigation.

The rights of a neutral to carry on a commercial intercourse with every part of the dominions of a belligerent, permitted by the laws of the country (with the exception of blockaded ports and contraband of war), was believed to have been decided between Great Britain and the United States by the sentence of the commissioners mutually appointed

to decide on that and other questions of difference between the two nations, and by the actual payment of damages awarded by them against Great Britain for the infractions of that right. When, therefore, it was perceived that the same principle was revived with others more novel, and extending the injury, instructions were given to the Minister Plenipotentiary of the United States at the court of London, and remonstrances duly made by him on this subject, as will appear by documents transmitted herewith. These were followed by a partial and temporary suspension only, without any disavowal of the principle. He has therefore been instructed to urge this subject anew, to bring it more fully to the bar of reason, and to insist on the rights too evident and too important to be surrendered. In the meantime, the evil is proceeding under adjudications founded on the principle which is denied. Under these circumstances the subject presents itself for the consideration of Congress.

On the impressment of our seamen our remonstrances have never been intermitted. A hope existed at one moment of an arrangement which might have been submitted to, but it soon passed away, and the practice, though relaxed at times in the distant seas, has been constantly pursued in those in our neighborhood. The grounds on which the reclamations on this subject have been urged, will appear in an extract from instructions to our minister at London now communicated.

SPECIAL MESSAGE.—FEBRUARY 3, 1806.

To the Senate and House of Representatives of the United States:–

A letter has been received from the Governor of South Carolina, covering an act of the legislature of that state, ceding to the United States various forts and fortifications, and sites for the erection of forts in that state, on the conditions therein expressed. This letter and the act it covered are now communicated to Congress.

I am not informed whether the positions ceded are the best which can be taken for securing their respective objects. No doubt is entertained that the legislature deemed them such. The river of Beaufort particularly, said to be accessible to ships of very large size, and capable of yielding them a protection which they cannot find elsewhere, but very far to the north, is, from these circumstances, so interesting to the Union in general, as to merit particular attention and inquiry, as to the positions on it best calculated for health as well as safety.

SPECIAL MESSAGE.—FEBRUARY 19, 1806.

To the Senate and House of Representatives of the United States:—

In pursuance of a measure submitted to Congress by a message of January 18th, 1803, and sanctioned

by their appropriation for carrying it into execution, Captain Meriwether Lewis, of the first regiment of infantry, was appointed, with a party of men, to explore the river Missouri from its mouth to its source; and, crossing the highlands by the shortest portage, to seek the best water communication thence to the Pacific ocean; and Lieutenant Clarke was appointed second in command. They were to enter into conference with the Indian nation on their route, with a view to the establishment of commerce with them. They entered the Missouri, May 14th, 1804, and on the 1st of November, took up their winter quarters near the Maudan towns, 1609 miles above the mouth of the river, in latitude 47° 21′ 47″ north, and longitude 99° 24′ 45″ west, from Greenwich. On the 8th of April, 1805, they proceeded up the river in pursuance of the objects prescribed to them. A letter of the preceding day, April the 7th, from Captain Lewis, is herewith communicated. During his stay among the Maudans', he had been able to lay down the Missouri according to courses and distances taken under his passage up it, corrected by frequent observations of longitude and latitude, and to add to the actual survey of this portion of the river, a general map of the country between the Mississippi and Pacific, from the thirty-fourth to the fifty-fourth degrees of latitude. These additions are from information collected from Indians with whom he had opportunity of communicating during his journey and residence among them. Copies of this

map are now presented to both houses of Congress. With these I communicate, also, a statistical view, procured and forwarded by him, of the Indian nations inhabiting the territory of Louisiana, and the countries adjacent to its northern and western borders; of their commerce, and of other interesting circumstances respecting them.

In order to render the statement as complete as may be, of the Indians inhabiting the country west of the Mississippi, I add Dr. Sibley's account of those residing in and adjacent to the territory of Orleans.

I communicate also, from the same person, an account of the Red river, according to the best information he had been able to collect.

Having been disappointed, after considerable preparation, in the purpose of sending an exploring expedition up that river in the summer of 1804, it was thought best to employ the autumn in that year in procuring a knowledge on an interesting branch of the river called Washita. This was undertaken under the direction of Mr. Dunbar, of Natchez, a citizen of distinguished science, who had aided, and continues to aid us with his disinterested valuable services in the prosecution of these enterprises. He ascended the river to the remarkable hot springs near it, in latitude 34° 31′ 4″ .16, longitude, 92° 50′ 45″ west, from Greenwich, taking its courses and distances, and correcting them by frequent celestial observations. Extracts from his observations, and copies of his map of the river, from its mouth to the

hot springs, make part of the present communications. The examination of the Red river itself is but now commencing.

SPECIAL MESSAGE.—MARCH 20, 1806.

To the Senate and House of Representatives of the United States:—

It was reasonably expected, that while the limits between the territories of the United States and of Spain were unsettled, neither party would have innovated on the existing state of their respective positions. Some time since, however, we learned that the Spanish authorities were advancing into the disputed country to occupy new posts and make new settlements. Unwilling to take any measures which might preclude a peaceable accommodation of differences, the officers of the United States were ordered to confine themselves within the country on this side of the Sabine river; which, by the delivery of its principal post (Natchitoches), was understood to have been itself delivered up by Spain; and at the same time to permit no adverse post to be taken, nor armed men to remain within it. In consequence of these orders, the commanding officer of Natchitoches, learning that a party of Spanish troops had crossed the Sabine river and were posting themselves on this side the Adais, sent a detachment of his force to require them to withdraw to the other side of the Sabine, which they accordingly did.

I have thought it proper to communicate to Congress the letters detailing this incident, that they may fully understand the state of things in that quarter, and be enabled to make such provision for its security as in their wisdom they shall deem sufficient.

SPECIAL MESSAGE.—APRIL 14, 1806.

To the Senate and House of Representatives of the United States:—

During the blockade of Tripoli by the squadron of the United States, a small cruiser, under the flag of Tunis, with two prizes (all of trifling value), attempted to enter Tripoli, was turned back, warned, and attempting again to enter, was taken and detained as a prize by the squadron. Her restitution was claimed by the bey of Tunis, with a threat of war so serious, that, on withdrawing from the blockade of Tripoli, the commanding officer of the squadron thought it his duty to repair to Tunis with his squadron, and to require a categorical declaration whether peace or war was intended. The bey preferred explaining himself by an Ambassador to the United States, who, on his arrival, renewed the request that the vessel and her prizes should be restored. It was deemed proper to give this proof of friendship to the bey, and the Ambassador was informed the vessels would be restored. Afterward he made a requisition of naval stores to be sent to

the bey, in order to secure peace for the term of three years, with a threat of war if refused. It has been refused, and the Ambassador is about to depart without receding from his threat or demand.

Under these circumstances, and considering that the several provisions of the act, March 25th, 1804, will cease in consequence of the ratification of the treaty of peace with Tripoli, now advised to and consented to by the Senate, I have thought it my duty to communicate these facts, in order that Congress may consider the expediency of continuing the same provisions for a limited time or making others equivalent.

SIXTH ANNUAL MESSAGE.—DECEMBER 2, 1806.

To the Senate and House of Representatives of the United States in Congress assembled:—

It would have given me, fellow citizens, great satisfaction to announce in the moment of your meeting that the difficulties in our foreign relations, existing at the time of your last separation, had been amicably and justly terminated. I lost no time in taking those measures which were most likely to bring them to such a termination, by special missions charged with such powers and instructions as in the event of failure could leave no imputation on either our moderation or forbearance. The delays which have since taken place in our negotiations with the British government appears to have proceeded from

causes which do not forbid the expectation that during the course of the session I may be enabled to lay before you their final issue. What will be that of the negotiations for settling our differences with Spain, nothing which had taken place at the date of the last despatches enables us to pronounce. On the western side of the Mississippi she advanced in considerable force, and took post at the settlement of Bayou Pierre, on the Red river. This village was originally settled by France, was held by her as long as she held Louisiana, and was delivered to Spain only as a part of Louisiana. Being small, insulated, and distant, it was not observed, at the moment of redelivery to France and the United States, that she continued a guard of half a dozen men which had been stationed there. A proposition, however, having been lately made by our commander-in-chief, to assume the Sabine river as a temporary line of separation between the troops of the two nations until the issue of our negotiation shall be known; this has been referred by the Spanish commandant to his superior, and in the meantime, he has withdrawn his force to the western side of the Sabine river. The correspondence on this subject, now communicated, will exhibit more particularly the present state of things in that quarter.

The nature of that country requires indispensably that an unusual proportion of the force employed there should be cavalry or mounted infantry. In order, therefore, that the commanding officer might

be enabled to act with effect, I had authorized him to call on the Governors of Orleans and Mississippi for a corps of five hundred volunteer cavalry. The temporary arrangement he has proposed may perhaps render this unnecessary. But I inform you with great pleasure of the promptitude with which the inhabitants of those territories have tendered their services in defence of their country. It has done honor to themselves, entitled them to the confidence of their fellow-citizens in every part of the Union, and must strengthen the general determination to protect them efficaciously under all circumstances which may occur.

Having received information that in another part of the United States a great number of private individuals were combining together, arming and organizing themselves contrary to law, to carry on military expeditions against the territories of Spain, I thought it necessary, by proclamations as well as by special orders, to take measures for preventing and suppressing this enterprise, for seizing the vessels, arms, and other means provided for it, and for arresting and bringing to justice its authors and abettors. It was due to that good faith which ought ever to be the rule of action in public as well as in private transactions; it was due to good order and regular government, that while the public force was acting strictly on the defensive and merely to protect our citizens from aggression, the criminal attempts of private individuals to decide for their country the question

of peace or war, by commencing active and unauthorized hostilities, should be promptly and efficaciously suppressed.

Whether it will be necessary to enlarge our regular force will depend on the result of our negotiation with Spain; but as it is uncertain when that result will be known, the provisional measures requisite for that, and to meet any pressure intervening in that quarter, will be a subject for your early consideration.

The possession of both banks of the Mississippi reducing to a single point the defence of that river, its waters, and the country adjacent, it becomes highly necessary to provide for that point a more adequate security. Some position above its mouth, commanding the passage of the river, should be rendered sufficiently strong to cover the armed vessels which may be stationed there for defence, and in conjunction with them to present an insuperable obstacle to any force attempting to pass. The approaches to the city of New Orleans, from the eastern quarter also, will require to be examined, and more effectually guarded. For the internal support of the country, the encouragement of a strong settlement on the western side of the Mississippi, within reach of New Orleans, will be worthy the consideration of the legislature.

The gun-boats authorized by an act of the last session are so advanced that they will be ready for service in the ensuing spring. Circumstances per-

mitted us to allow the time necessary for their more solid construction. As a much larger number will still be wanting to place our seaport towns and waters in that state of defence to which we are competent and they entitled, a similar appropriation for a further provision for them is recommended for the ensuing year.

A further appropriation will also be necessary for repairing fortifications already established, and the erection of such works as may have real effect in obstructing the approach of an enemy to our seaport towns, or their remaining before them.

In a country whose constitution is derived from the will of the people, directly expressed by their free suffrages; where the principal executive functionaries, and those of the legislature, are renewed by them at short periods; where under the characters of jurors, they exercise in person the greatest portion of the judiciary powers; where the laws are consequently so formed and administered as to bear with equal weight and favor on all, restraining no man in the pursuits of honest industry, and securing to every one the property which that acquires, it would not be supposed that any safeguards could be needed against insurrection or enterprise on the public peace or authority. The laws, however, aware that these should not be trusted to moral restraints only, have wisely provided punishments for these crimes when committed. But would it not be salutary to give also the means of preventing their commission?

Where an enterprise is meditated by private individuals against a foreign nation in amity with the United States, powers of prevention to a certain extent are given by the laws; would they not be as reasonable and useful were the enterprise preparing against the United States? While adverting to this branch of the law, it is proper to observe, that in enterprises meditated against foreign nations, the ordinary process of binding to the observance of the peace and good behavior, could it be extended to acts to be done out of the jurisdiction of the United States, would be effectual in some cases where the offender is able to keep out of sight every indication of his purpose which could draw on him the exercise of the powers now given by law.

The states on the coast of Barbary seem generally disposed at present to respect our peace and friendship; with Tunis alone some uncertainty remains. Persuaded that it is our interest to maintain our peace with them on equal terms, or not at all, I propose to send in due time a reinforcement into the Mediterranean, unless previous information shall show it to be unnecessary.

We continue to receive proofs of the growing attachment of our Indian neighbors, and of their disposition to place all their interests under the patronage of the United States. These dispositions are inspired by their confidence in our justice, and in the sincere concern we feel for their welfare; and as long as we discharge these high and honorable functions with

the integrity and good faith which alone can entitle us to their continuance, we may expect to reap the just reward in their peace and friendship.

The expedition of Messrs. Lewis and Clarke, for exploring the river Missouri, and the best communication from that to the Pacific ocean, has had all the success which could have been expected. They have traced the Missouri nearly to its source, descended the Columbia to the Pacific ocean, ascertained with accuracy the geography of that interesting communication across our continent, learned the character of the country, of its commerce, and inhabitants; and it is but justice to say that Messrs. Lewis and Clarke, and their brave companions, have by this arduous service deserved well of their country.

The attempt to explore the Red river, under the direction of Mr. Freeman, though conducted with a zeal and prudence meriting entire approbation, has not been equally successful. After proceeding up it about six hundred miles, nearly as far as the French settlements had extended while the country was in their possession, our geographers were obliged to return without completing their work.

Very useful additions have also been made to our knowledge of the Mississippi by Lieutenant Pike, who has ascended to its source, and whose journal and map, giving the details of the journey, will shortly be ready for communication to both houses of Congress. Those of Messrs. Lewis and Clarke, and Freeman, will require further time to be digested and

prepared. These important surveys, in addition to those before possessed, furnish materials for commencing an accurate map of the Mississippi, and its western waters. Some principal rivers, however, remain still to be explored, toward which the authorization of Congress, by moderate appropriations, will be requisite.

I congratulate you, fellow citizens, on the approach of the period at which you may interpose your authority constitutionally, to withdraw the citizens of the United States from all further participation in those violations of human rights which have been so long continued on the unoffending inhabitants of Africa, and which the morality, the reputation, and the best interests of our country, have long been eager to proscribe. Although no law you may pass can take prohibitory effect till the first day of the year one thousand eight hundred and eight, yet the intervening period is not too long to prevent, by timely notice, expeditions which cannot be completed before that day.

The receipts at the treasury during the year ending on the 30th of September last, have amounted to near fifteen millions of dollars, which have enabled us, after meeting the current demands, to pay two millions seven hundred thousand dollars of the American claims, in parts of the price of Louisiana; to pay of the funded debt upward of three millions of principal, and nearly four of interest; and in addition, to reimburse, in the course of the present

month, near two millions of five and a half per cent. stock. These payments and reimbursements of the funded debt, with those which have been made in four years and a half preceding, will, at the close of the present year, have extinguished upward of twenty-three millions of principal.

The duties composing the Mediterranean fund will cease by law at the end of the present season. Considering, however, that they are levied chiefly on luxuries, and that we have an impost on salt, a necessary of life, the free use of which otherwise is so important, I recommend to your consideration the suppression of the duties on salt, and the continuation of the Mediterranean fund, instead thereof, for a short time, after which that also will become unnecessary for any purpose now within contemplation.

When both of these branches of revenue shall in this way be relinquished, there will still ere long be an accumulation of moneys in the treasury beyond the instalments of public debt which we are permitted by contract to pay. They cannot, then, without a modification assented to by the public creditors, be applied to the extinguishment of this debt, and the complete liberation of our revenues—the most desirable of all objects; nor, if our peace continues, will they be wanting for any other existing purpose. The question, therefore, now comes forward,—to what other objects shall these surpluses be appropriated, and the whole surplus of impost,

after the entire discharge of the public debt, and during those intervals when the purposes of war shall not call for them? Shall we suppress the impost and give that advantage to foreign over domestic manufactures? On a few articles of more general and necessary use, the suppression in due season will doubtless be right, but the great mass of the articles on which impost is paid is foreign luxuries, purchased by those only who are rich enough to afford themselves the use of them. Their patriotism would certainly prefer its continuance and application to the great purposes of the public education, roads, rivers, canals, and such other objects of public improvement as it may be thought proper to add to the constitutional enumeration of federal powers. By these operations new channels of communication will be opened between the States; the lines of separation will disappear, their interests will be identified, and their union cemented by new and indissoluble ties. Education is here placed among the articles of public care, not that it would be proposed to take its ordinary branches out of the hands of private enterprise, which manages so much better all the concerns to which it is equal; but a public institution can alone supply those sciences which, though rarely called for, are yet necessary to complete the circle, all the parts of which contribute to the improvement of the country, and some of them to its preservation. The subject is now proposed for the consideration of Congress, because, if approved by the time the State

legislatures shall have deliberated on this extension of the federal trusts, and the laws shall be passed, and other arrangements made for their execution, the necessary funds will be on hand and without employment. I suppose an amendment to the Constitution, by consent of the States, necessary, because the objects now recommended are not among those enumerated in the Constitution, and to which it permits the public moneys to be applied.

The present consideration of a national establishment for education, particularly, is rendered proper by this circumstance also, that if Congress, approving the proposition, shall yet think it more eligible to found it on a donation of lands, they have it now in their power to endow it with those which will be among the earliest to produce the necessary income. This foundation would have the advantage of being independent on war, which may suspend other improvements by requiring for its own purposes the resources destined for them.

This, fellow citizens, is the state of the public interest at the present moment, and according to the information now possessed. But such is the situation of the nations of Europe, and such, too, the predicament in which we stand with some of them, that we cannot rely with certainty on the present aspect of our affairs that may change from moment to moment, during the course of your session or after you shall have separated. Our duty is, therefore, to act upon things as they are, and to make a reasonable pro-

vision for whatever they may be. Were armies to be raised whenever a speck of war is visible in our horizon, we never should have been without them. Our resources would have been exhausted on dangers which have never happened, instead of being reserved for what is really to take place. A steady, perhaps a quickened pace in preparations for the defence of our seaport towns and waters; an early settlement of the most exposed and vulnerable parts of our country; a militia so organized that its effective portions can be called to any point in the Union, or volunteers instead of them to serve a sufficient time, are means which may always be ready yet never preying on our resources until actually called into use. They will maintain the public interests while a more permanent force shall be in course of preparation. But much will depend on the promptitude with which these means can be brought into activity. If war be forced upon us in spite of our long and vain appeals to the justice of nations, rapid and vigorous movements in its outset will go far toward securing us in its course and issue, and toward throwing its burdens on those who render necessary the resort from reason to force.

The result of our negotiations, or such incidents in their course as may enable us to infer their probable issue; such further movements also on our western frontiers as may show whether war is to be pressed there while negotiation is protracted elsewhere, shall be communicated to you from time to

time as they become known to me, with whatever other information I possess or may receive, which may aid your deliberations on the great national interests committed to your charge.

SPECIAL MESSAGE.—DECEMBER 3, 1806.

To the Senate and House of Representatives of the United States:—

I have the satisfaction to inform you that the negotiation depending between the United States and the government of Great Britain is proceeding in a spirit of friendship and accommodation which promises a result of mutual advantage. Delays, indeed, have taken place, occasioned by the long illness and subsequent death of the British Minister charged with that duty. But the commissioners appointed by that government to resume the negotiation have shown every disposition to hasten its progress. It is, however, a work of time, as many arrangements are necessary to place our future harmony on stable grounds. In the meantime, we find by the communications of our Plenipotentiaries, that a temporary suspension of the act of the last session prohibiting certain importations, would, as a mark of candid disposition on our part, and of confidence in the temper and views with which they have been met, have a happy effect on its course. A step so friendly will afford further evidence that all our proceedings have flowed from views of justice and con-

ciliation, and that we give them willingly that form which may best meet corresponding dispositions.

Add to this, that the same motives which produced the postponement of the act till the fifteenth of November last, are in favor of its further suspension; and as we have reason to hope that it may soon yield to arrangements of mutual consent and convenience, justice seems to require that the same measure may be dealt out to the few cases which may fall within its short course, as to all others preceding and following it. I cannot, therefore, but recommend the suspension of this act for a reasonable time, on considerations of justice, amity, and the public interests.

SPECIAL MESSAGE.—JANUARY 22, 1807.

To the Senate and House of Representatives of the United States:—

Agreeably to the request of the House of Representatives, communicated in their resolution of the sixteenth instant, I proceed to state under the reserve therein expressed, information received touching an illegal combination of private individuals against the peace and safety of the Union, and a military expedition planned by them against the territories of a power in amity with the United States, with the measures I have pursued for suppressing the same.

I had for some time been in the constant expecta-

tion of receiving such further information as would have enabled me to lay before the legislature the termination as well as the beginning and progress of this scene of depravity, so far as it has been acted on the Ohio and its waters. From this the state and safety of the lower country might have been estimated on probable grounds, and the delay was indulged the rather, because no circumstance had yet made it necessary to call in the aid of the legislative functions. Information now recently communicated has brought us nearly to the period contemplated. The mass of what I have received, in the course of these transactions, is voluminous, but little has been given under the sanction of an oath, so as to constitute formal and legal evidence. It is chiefly in the form of letters, often containing such a mixture of rumors, conjectures, and suspicions, as render it difficult to sift out the real facts, and unadvisable to hazard more than general outlines, strengthened by concurrent information, or the particular credibility of the relater. In this state of the evidence, delivered sometimes, too, under the restriction of private confidence, neither safety nor justice will permit the exposing names, except that of the principal actor, whose guilt is placed beyond question.

Some time in the latter part of September, I received intimations that designs were in agitation in the western country, unlawful and unfriendly to the peace of the Union; and that the prime mover in these was Aaron Burr, heretofore distinguished by

the favor of his country. The grounds of these intimations being inconclusive, the objects uncertain, and the fidelity of that country known to be firm, the only measure taken was to urge the informants to use their best endeavors to get further insight into the designs and proceedings of the suspected persons, and to communicate them to me.

It was not until the latter part of October, that the objects of the conspiracy began to be perceived, but still so blended and involved in mystery that nothing distinct could be singled out for pursuit. In this state of uncertainty as to the crime contemplated, the acts done, and the legal course to be pursued, I thought it best to send to the scene where these things were principally in transaction, a person, in whose integrity, understanding, and discretion, entire confidence could be reposed, with instructions to investigate the plots going on, to enter into conference (for which he had sufficient credentials) with the governors and all other officers, civil and military, and with their aid to do on the spot whatever should be necessary to discover the designs of the conspirators, arrest their means, bring their persons to punishment, and to call out the force of the country to suppress any unlawful enterprise in which it should be found they were engaged. By this time it was known that many boats were under preparation, stores of provisions collecting, and an unusual number of suspicious characters in motion on the Ohio and its waters. Besides despatching the con-

fidential agent to that quarter, orders were at the same time sent to the governors of the Orleans and Mississippi territories, and to the commanders of the land and naval forces there, to be on their guard against surprise, and in constant readiness to resist any enterprise which might be attempted on the vessels, posts, or other objects under their care; and on the 8th of November, instructions were forwarded to General Wilkinson to hasten an accommodation with the Spanish commander on the Sabine, and as soon as that was effected, to fall back with his principal force to the hither bank of the Mississippi, for the defence of the intersecting points on that river. By a letter received from that officer on the 25th of November, but dated October 21st, we learn that a confidential agent of Aaron Burr had been deputed to him, with communications partly written in cipher and partly oral, explaining his designs, exaggerating his resources, and making such offers of emolument and command, to engage him and the army in his unlawful enterprise, as he had flattered himself would be successful. The general, with the honor of a soldier and fidelity of a good citizen, immediately despatched a trusty officer to me with information of what had passed, proceeding to establish such an understanding with the Spanish commandant on the Sabine as permitted him to withdraw his force across the Mississippi, and to enter on measures for opposing the projected enterprise.

The general's letter, which came to hand on the

25th of November, as has been mentioned, and some other information received a few days earlier, when brought together, developed Burr's general designs, different parts of which only had been revealed to different informants. It appeared that he contemplated two distinct objects, which might be carried on either jointly or separately, and either the one or the other first, as circumstances should direct. One of these was the severance of the Union of these States by the Alleghany mountains; the other, an attack on Mexico. A third object was provided, merely ostensible, to wit: the settlement of a pretended purchase of a tract of country on the Washita, claimed by a Baron Bastrop. This was to serve as the pretext for all his preparations, an allurement for such followers as really wished to acquire settlements in that country, and a cover under which to retreat in the event of final discomfiture of both branches of his real design.

He found at once that the attachment of the western country to the present Union was not to be shaken; that its dissolution could not be effected with the consent of its inhabitants, and that his resources were inadequate, as yet, to effect it by force. He took his course then at once, determined to seize on New Orleans, plunder the bank there, possess himself of the military and naval stores, and proceed on his expedition to Mexico; and to this object all his means and preparations were now directed. He collected from all the quarters where

himself or his agents possessed influence, all the ardent, restless, desperate, and disaffected persons who were ready for any enterprise analogous to their characters. He seduced good and well-meaning citizens, some by assurances that he possessed the confidence of the government and was acting under its secret patronage, a pretence which obtained some credit from the state of our differences with Spain; and others by offers of land in Bastrop's claim on the Washita.

This was the state of my information of his proceedings about the last of November, at which time, therefore, it was first possible to take specific measures to meet them. The proclamation of November 27th, two days after the receipt of General Wilkinson's information, was now issued. Orders were despatched to every intersecting point on the Ohio and Mississippi, from Pittsburg to New Orleans, for the employment of such force either of the regulars or of the militia, and of such proceedings also of the civil authorities, as might enable them to seize on all the boats and stores provided for the enterprise, to arrest the persons concerned, and to suppress effectually the further progress of the enterprise. A little before the receipt of these orders in the State of Ohio, our confidential agent, who had been diligently employed in investigating the conspiracy, had acquired sufficient information to open himself to the governor of that State, and apply for the immediate exertion of the authority and power of

the State to crush the combination. Governor Tiffin and the legislature, with a promptitude, an energy, and patriotic zeal, which entitle them to a distinguished place in the affection of their sister States, effected the seizure of all the boats, provisions, and other preparations within their reach, and thus gave a first blow, materially disabling the enterprise in its outset.

In Kentucky, a premature attempt to bring Burr to justice, without sufficient evidence for his conviction, had produced a popular impression in his favor, and a general disbelief of his guilt. This gave him an unfortunate opportunity of hastening his equipments. The arrival of the proclamation and orders, and the application and information of our confidential agent, at length awakened the authorities of that State to the truth, and then produced the same promptitude and energy of which the neighboring State had set the example. Under an act of their legislature of December 23d, militia was instantly ordered to different important points, and measures taken for doing whatever could yet be done. Some boats (accounts vary from five to double or treble that number) and persons (differently estimated from one to three hundred) had in the meantime passed the falls of the Ohio, to rendezvous at the mouth of the Cumberland, with others expected down that river.

Not apprized, till very late, that any boats were building on Cumberland, the effect of the procla-

mation had been trusted to for some time in the State of Tennessee; but on the 19th of December, similar communications and instructions with those of the neighboring States were despatched by express to the governor, and a general officer of the western division of the State, and on the 23d of December our confidential agent left Frankfort for Nashville, to put into activity the means of that State also. But by information received yesterday, I learn that on the 22d of December, Mr. Burr descended the Cumberland with two boats merely of accommodation, carrying with him from that State no quota toward his unlawful enterprise. Whether after the arrival of the proclamation, of the orders, or of our agent, any exertion which could be made by that State, or the orders of the governor of Kentucky for calling out the militia at the mouth of Cumberland, would be in time to arrest these boats, and those from the falls of the Ohio, is still doubtful.

On the whole, the fugitives from Ohio, with their associates from Cumberland, or any other place in that quarter, cannot threaten serious darger to the city of New Orleans.

By the same express of December nineteenth, orders were sent to the governors of New Orleans and Mississippi, supplementary to those which had been given on the twenty-fifth of November, to hold the militia of their territories in readiness to co-operate for their defence, with the regular troops and

armed vessels then under command of General Wilkinson. Great alarm, indeed, was excited at New Orleans by the exaggerated accounts of Mr. Burr, disseminated through his emissaries, of the armies and navies he was to assemble there. General Wilkinson had arrived there himself on the 24th of November, and had immediately put into activity the resources of the place for the purpose of its defence; and on the tenth of December he was joined by his troops from the Sabine. Great zeal was shown by the inhabitants generally, the merchants of the place readily agreeing to the most laudable exertions and sacrifices for manning the armed vessels with their seamen, and the other citizens manifesting unequivocal fidelity to the Union, and a spirit of determined resistance to their expected assailants.

Surmises have been hazarded that this enterprise is to receive aid from certain foreign powers. But these surmises are without proof or probability. The wisdom of the measures sanctioned by Congress at its last session had placed us in the paths of peace and justice with the only powers with whom we had any differences, and nothing has happened since which makes it either their interest or ours to pursue another course. No change of measures has taken place on our part; none ought to take place at this time. With the one, friendly arrangement was then proposed, and the law deemed necessary on the failure of that was suspended to give time for a fair trial

of the issue. With the same power, negotiation is still preferred, and provisional measures only are necessary to meet the event of rupture. While, therefore, we do not deflect in the slightest degree from the course we then assumed, and are still pursuing, with mutual consent, to restore a good understanding, we are not to impute to them practices as irreconcilable to interest as to good faith, and changing necessarily the relations of peace and justice between us to those of war. These surmises are, therefore, to be imputed to the vauntings of the author of this enterprise, to multiply his partisans by magnifying the belief of his prospects and support.

By letters from General Wilkinson, of the 14th and 18th of September, which came to hand two days after date of the resolution of the House of Representatives, that is to say, on the morning of the 18th instant, I received the important affidavit, a copy of which I now communicate, with extracts of so much of the letters as come within the scope of the resolution. By these it will be seen that of three of the principal emissaries of Mr. Burr, whom the general had caused to be apprehended, one had been liberated by *habeas corpus*, and the two others, being those particularly employed in the endeavor to corrupt the general and army of the United States, have been embarked by him for our ports in the Atlantic States, probably on the consideration that an impartial trial could not be expected during the

present agitations of New Orleans, and that that city was not as yet a safe place of confinement. As soon as these persons shall arrive, they will be delivered to the custody of the law, and left to such course of trial, both as to place and process, as its functionaries may direct. The presence of the highest judicial authorities, to be assembled at this place within a few days, the means of pursuing a sounder course of proceedings here than elsewhere, and the aid of the executive means, should the judges have occasion to use them, render it equally desirable for the criminals as for the public, that being already removed from the place where they were first apprehended, the first regular arrest should take place here, and the course of proceedings receive here its proper direction.

SPECIAL MESSAGE.—JANUARY 28, 1807.

To the Senate and House of Representatives of the United States:—

By the letters of Captain Bissel, who commands at Fort Massac, and of Mr. Murrell, to General Jackson, of Tennessee, copies of which are now communicated to Congress, it will be seen that Aaron Burr passed Fort Massac on the 31st December, with about ten boats, navigated by about six hands each, without any military appearance, and that three boats with ammunition were said to have been arrested by the militia at Louisville.

As the guards of militia posted on various points on the Ohio will be able to prevent any further aids passing through that channel, should any be attempted, we may now estimate, with tolerable certainty, the means derived from the Ohio and its waters, toward the accomplishment of the purposes of Mr. Burr.

SPECIAL MESSAGE.—JANUARY 31, 1807.

To the Senate and House of Representatives of the United States:—

In execution of the act of the last session of Congress, entitled, "An act to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio," I appointed Thomas Moore, of Maryland, Joseph Kerr, of Ohio, and Eli Williams, of Maryland, commissioners to lay out the said road, and to perform the other duties assigned to them by the act. The progress which they made in the execution of the work, during the last session, will appear in their report, now communicated to Congress. On the receipt of it, I took measures to obtain consent for making the road, of the States of Pennsylvania, Maryland, and Virginia, through which the commissioners proposed to lay it out. I have received acts of the legislatures of Maryland and Virginia, giving the consent desired; that of Pennsylvania has the subject still under consideration, as is supposed. Until I receive full consent to

a free choice of route through the whole distance, I have thought it safest neither to accept, nor reject, finally, the partial report of the commissioners. Some matters suggested in the report belong exclusively to the legislature.

SPECIAL MESSAGE.—FEBRUARY 10, 1807.

To the Senate and House of Representatives of the United States:—

In compliance with the request of the House of Representatives, expressed in their resolution of the 5th instant, I proceed to give such information as is possessed, of the effect of gun-boats in the protection and defence of harbors, of the numbers thought necessary, and of the proposed distribution of them among the ports and harbors of the United States.

Under the present circumstances, and governed by the intentions of the legislature, as manifested by their annual appropriations of money for the purposes of defence, it has been concluded to combine—1st, land batteries, furnished with heavy cannon and mortars, and established on all the points around the place favorable for preventing vessels from lying before it; 2d, movable artillery which may be carried, as an occasion may require, to points unprovided with fixed batteries; 3d, floating batteries; and 4th, gun-boats, which may oppose an enemy at its entrance and co-operate with the batteries for his expulsion.

On this subject professional men were consulted as far as we had opportunity. General Wilkinson, and the late General Gates, gave their opinions in writing, in favor of the system, as will be seen by their letters now communicated. The higher officers of the navy gave the same opinions in separate conferences, as their presence at the seat of government offered occasions of consulting them, and no difference of judgment appeared on the subjects. Those of Commodore Barron and Captain Tingey, now here, are recently furnished in writing, and transmitted herewith to the legislature.

The efficacy of gun-boats for the defence of harbors, and of other smooth and enclosed waters, may be estimated in part from that of galleys, formerly much used, but less powerful, more costly in their construction and maintenance, and requiring more men. But the gun-boat itself is believed to be in use with every modern maritime nation for the purpose of defence. In the Mediterranean, on which are several small powers, whose system like ours is peace and defence, few harbors are without this article of protection. Our own experience there of the effect of gun-boats for harbor service, is recent. Algiers is particularly known to have owed to a great provision of these vessels the safety of its city, since the epoch of their construction. Before that it had been repeatedly insulted and injured. The effect of gun-boats at present in the neighborhood of Gibraltar, is well known, and how much they were used

both in the attack and defence of that place during a former war. The extensive resort to them by the two greatest naval powers in the world, on an enterprise of invasion not long since in prospect, shows their confidence in their efficacy for the purposes for which they are suited. By the northern powers of Europe, whose seas are particularly adapted to them, they are still more used. The remarkable action between the Russian flotilla of gun-boats and galleys, and a Turkish fleet of ships-of-the-line and frigates, in the Liman sea, 1788, will be readily recollected. The latter, commanded by their most celebrated admiral, were completely defeated, and several of their ships-of-the-line destroyed.

From the opinions given as to the number of gun-boats necessary for some of the principal seaports, and from a view of all the towns and ports from Orleans to Maine inclusive, entitled to protection, in proportion to their situation and circumstances, it is concluded, that to give them a due measure of protection in time of war, about two hundred gun-boats will be requisite. According to first ideas, the following would be their general distribution, liable to be varied on more mature examination, and as circumstances shall vary, that is to say:—

To the Mississippi and its neighboring waters, forty gun-boats.

To Savannah and Charleston, and the harbors on each side, from St. Mary's to Currituck, twenty-five.

To the Chesapeake and its waters, twenty.

To Delaware bay and river, fifteen.

To New York, the Sound, and waters as far as Cape Cod, fifty.

To Boston and the harbors north of Cape Cod, fifty.

The flotilla assigned to these several stations, might each be under the care of a particular commandant, and the vessels composing them would, in ordinary, be distributed among the harbors within the station in proportion to their importance.

Of these boats a proper proportion would be of the larger size, such as those heretofore built, capable of navigating any seas, and of reinforcing occasionally the strength of even the most distant port when menaced with danger. The residue would be confined to their own or the neighboring harbors, would be smaller, less furnished for accommodation, and consequently less costly. Of the number supposed necessary, seventy-three are built or building, and the hundred and twenty-seven still to be provided, would cost from five to six hundred thousand dollars. Having regard to the convenience of the treasury, as well as to the resources of building, it has been thought that one half of these might be built in the present year, and the other half the next. With the legislature, however, it will rest to stop where we are, or at any further point, when they shall be of opinion that the number provided shall be sufficient for the object.

At times when Europe as well as the United States

shall be at peace, it would not be proposed that more than six or eight of these vessels should be kept afloat. When Europe is in war, treble that number might be necessary to be distributed among those particular harbors which foreign vessels of war are in the habit of frequenting, for the purpose of preserving order therein.

But they would be manned, in ordinary, with only their complement for navigation, relying on the seamen and militia of the port if called into action on sudden emergency. It would be only when the United States should themselves be at war, that the whole number would be brought into actual service, and would be ready in the first moments of the war to co-operate with other means for covering at once the line of our seaports. At all times, those unemployed would be withdrawn into places not exposed to sudden enterprise, hauled up under sheds from the sun and weather, and kept in preservation with little expense for repairs or maintenance.

It must be superfluous to observe, that this species of naval armament is proposed merely for defensive operation; that it can have but little effect toward protecting our commerce in the open seas even on our coast; and still less can it become an excitement to engage in offensive maritime war, toward which it would furnish no means.

SEVENTH ANNUAL MESSAGE.—OCTOBER 27, 1807.

To the Senate and House of Representatives of the United States:—

Circumstances, fellow citizens, which seriously threatened the peace of our country, have made it a duty to convene you at an earlier period than usual. The love of peace, so much cherished in the bosoms of our citizens, which has so long guided the proceedings of the public councils, and induced forbearance under so many wrongs, may not insure our continuance in the quiet pursuits of industry. The many injuries and depredations committed on our commerce and navigation upon the high seas for years past, the successive innovations on those principles of public law which have been established by the reason and usage of nations as the rule of their intercourse, and the umpire and security of their rights and peace, and all the circumstances which induced the extraordinary mission to London, are already known to you. The instructions given to our ministers were framed in the sincerest spirit of amity and moderation. They accordingly proceeded, in conformity therewith, to propose arrangements which might embrace and settle all the points in difference between us, which might bring us to a mutual understanding on our neutral and national rights, and provide for a commercial intercourse on conditions of some equality. After long and fruitless endeavors to effect the purposes of their mission,

and to obtain arrangements within the limits of their instructions, they concluded to sign such as could be obtained, and to send them for consideration, candidly declaring to the other negotiators, at the same time, that they were acting against their instructions, and that their government, therefore, could not be pledged for ratification. Some of the articles proposed might have been admitted on a principle of compromise, but others were too highly disadvantageous, and no sufficient provision was made against the principal source of the irritations and collisions which were constantly endangering the peace of the two nations. The question, therefore, whether a treaty should be accepted in that form could have admitted but one decision, even had no declarations of the other party impaired our confidence in it. Still anxious not to close the door against friendly adjustment, new modifications were framed, and further concessions authorized than could before have been supposed necessary; and our ministers were instructed to resume their negotiations on these grounds. On this new reference to amicable discussion, we were reposing in confidence, when on the 22d day of June last, by a formal order from the British admiral, the frigate Chesapeake, leaving her port for distant service, was attacked by one of those vessels which had been lying in our harbors under the indulgences of hospitality, was disabled from proceeding, had several of her crew killed, and four taken away. On this outrage no

commentaries are necessary. Its character has been pronounced by the indignant voice of our citizens with an emphasis and unanimity never exceeded. I immediately, by proclamation, interdicted our harbors and waters to all British armed vessels, forbade intercourse with them, and uncertain how far hostilities were intended, and the town of Norfolk, indeed, being threatened with immediate attack, a sufficient force was ordered for the protection of that place, and such other preparations commenced and pursued as the prospect rendered proper. An armed vessel of the United States was despatched with instructions to our ministers at London to call on that government for the satisfaction and security required by the outrage. A very short interval ought now to bring the answer, which shall be communicated to you as soon as received; then also, or as soon after as the public interests shall be found to admit, the unratified treaty, and the proceedings relative to it, shall be made known to you.

The aggression thus begun has been continued on the part of the British commanders, by remaining within our waters, in defiance of the authority of the country, by habitual violations of its jurisdiction, and at length by putting to death one of the persons whom they had forcibly taken from on board the Chesapeake. These aggravations necessarily lead to the policy, either of never admitting an armed vessel into our harbors, or of maintaining in every harbor such an armed force as may con-

strain obedience to the laws, and protect the lives and property of our citizens, against their armed guests. But the expense of such a standing force, and its inconsistence with our principles, dispense with those courtesies which would necessarily call for it, and leave us equally free to exclude the navy, as we are the army, of a foreign power, from entering our limits.

To former violations of maritime rights, another is now added of very extensive effect. The government of that nation has issued an order interdicting all trade by neutrals between ports not in amity with them; and being now at war with nearly every nation on the Atlantic and Mediterranean seas, our vessels are required to sacrifice their cargoes at the first port they touch, or to return home without the benefit of going to any other market. Under this new law of the ocean, our trade on the Mediterranean has been swept away by seizures and condemnations, and that in other seas is threatened with the same fate.

Our differences with Spain remain still unsettled; no measure having been taken on her part, since my last communication to Congress, to bring them to a close. But under a state of things which may favor a reconsideration, they have been recently pressed, and an expectation is entertained that they may now soon be brought to an issue of some sort. With their subjects on our borders, no new collisions have taken place nor seem immediately to be appre-

hended. To our former grounds of complaint has been added a very serious one, as you will see by the decree, a copy of which is now communicated. Whether this decree, which professes to be conformable to that of the French Government of November 21st, 1806, heretofore communicated to Congress, will also be conformed to that in its construction and application in relation to the United States, had not been ascertained at the date of our last communications. These, however, gave reason to expect such a conformity.

With the other nations of Europe our harmony has been uninterrupted, and commerce and friendly intercourse have been maintained on their usual footing.

Our peace with the several states on the coast of Barbary appears as firm as at any former period, and is as likely to continue as that of any other nation.

Among our Indian neighbors in the north-western quarter, some fermentation was observed soon after the late occurrences, threatening the continuance of our peace. Messages were said to be interchanged, and tokens to be passing, which usually denote a state of restlessness among them, and the character of the agitators pointed to the sources of excitement. Measures were immediately taken for providing against that danger; instructions were given to require explanations, and with assurances of our continued friendship, to admonish the tribes to

remain quiet at home, taking no part in quarrels not belonging to them. As far as we are yet informed, the tribes in our vicinity, who are most advanced in the pursuits of industry, are sincerely disposed to adhere to their friendship with us, and to their peace with all others; while those more remote do not present appearances sufficiently quiet to justify the intermission of military precaution on our part.

The great tribes on our south-western quarter, much advanced beyond the others in agriculture and household arts, appear tranquil, and identifying their views with ours, in proportion to their advancement. With the whole of these people, in every quarter, I shall continue to inculcate peace and friendship with all their neighbors, and perseverance in those occupations and pursuits which will best promote their own well-being.

The appropriations of the last session, for the defence of our seaport towns and harbors, were made under expectation that a continuance of our peace would permit us to proceed in that work according to our convenience. It has been thought better to apply the sums then given, toward the defence of New York, Charleston, and New Orleans chiefly, as most open and most likely first to need protection; and to leave places less immediately in danger to the provisions of the present session.

The gun-boats, too, already provided, have on a like principle been chiefly assigned to New York, New Orleans, and the Chesapeake. Whether our

movable force on the water, so material in aid of the defensive works on the land, should be augmented in this or any other form, is left to the wisdom of the legislature. For the purpose of manning these vessels in sudden attacks on our harbors, it is a matter for consideration, whether the seamen of the United States may not justly be formed into a special militia, to be called on for tours of duty in defence of the harbors where they shall happen to be; the ordinary militia of the place furnishing that portion which may consist of landsmen.

The moment our peace was threatened, I deemed it indispensable to secure a greater provision of those articles of military stores with which our magazines were not sufficiently furnished. To have awaited a previous and special sanction by law would have lost occasions which might not be retrieved. I did not hesitate, therefore, to authorize engagements for such supplements to our existing stock as would render it adequate to the emergencies threatening us; and I trust that the legislature, feeling the same anxiety for the safety of our country, so materially advanced by this precaution, will approve, when done, what they would have seen so important to be done if then assembled. Expenses, also unprovided for, arose out of the necessity of calling all our gun-boats into actual service for the defence of our harbors; of all which accounts will be laid before you.

Whether a regular army is to be raised, and to

what extent, must depend on the information so shortly expected. In the meantime, I have called on the States for quotas of militia, to be in readiness for present defence; and have, moreover, encouraged the acceptance of volunteers; and I am happy to inform you that these have offered themselves with great alacrity in every part of the Union. They are ordered to be organized, and ready at a moment's warning to proceed on any service to which they may be called, and every preparation within the executive powers has been made to insure us the benefit of early exertions.

I informed Congress at their last session of the enterprises against the public peace, which were believed to be in preparation by Aaron Burr and his associates, of the measures taken to defeat them, and to bring the offenders to justice. Their enterprises were happily defeated by the patriotic exertions of the militia wherever called into action, by the fidelity of the army, and energy of the commander-in-chief in promptly arranging the difficulties presenting themselves on the Sabine, repairing to meet those arising on the Mississippi, and dissipating, before their explosion, plots engendering there. I shall think it my duty to lay before you the proceedings and the evidence publicly exhibited on the arraignment of the principal offenders before the circuit court of Virginia. You will be enabled to judge whether the defeat was in the testimony, in the law, or in the administration of the law; and where-

ever it shall be found, the legislature alone can apply or originate the remedy. The framers of our constitution certainly supposed they had guarded, as well their government against destruction by treason, as their citizens against oppression, under pretence of it; and if these ends are not attained, it is of importance to inquire by what means, more effectual, they may be secured.

The accounts of the receipts of revenue, during the year ending on the thirtieth day of September last, being not yet made up, a correct statement will be hereafter transmitted from the treasury. In the meantime, it is ascertained that the receipts have amounted to near sixteen millions of dollars, which, with the five millions and a half in the treasury at the beginning of the year, have enabled us, after meeting the current demands and interest incurred, to pay more than four millions of the principal of our funded debt. These payments, with those of the preceding five and a half years, have extinguished of the funded debt twenty-five millions and a half of dollars, being the whole which could be paid or purchased within the limits of the law and of our contracts, and have left us in the treasury eight millions and a half of dollars. A portion of this sum may be considered as a commencement of accumulation of the surpluses of revenue, which, after paying the instalments of debts as they shall become payable, will remain without any specific object. It may partly, indeed, be applied toward

completing the defence of the exposed points of our country, on such a scale as shall be adapted to our principles and circumstances. This object is doubtless among the first entitled to attention, in such a state of our finances, and it is one which, whether we have peace or war, will provide security where it is due. Whether what shall remain of this, with the future surpluses, may be usefully applied to purposes already authorized, or more usefully to others requiring new authorities, or how otherwise they shall be disposed of, are questions calling for the notice of Congress, unless indeed they shall be superseded by a change in our public relations now awaiting the determination of others. Whatever be that determination, it is a great consolation that it will become known at a moment when the supreme council of the nation is assembled at its post, and ready to give the aids of its wisdom and authority to whatever course the good of our country shall then call us to pursue.

Matters of minor importance will be the subjects of future communications; and nothing shall be wanting on my part which may give information or despatch to the proceedings of the legislature in the exercise of their high duties, and at a moment so interesting to the public welfare.

SPECIAL MESSAGE.—NOVEMBER 23, 1807.

To the Senate and House of Representatives of the United States:—

Agreeably to the assurance in my message at the opening of the present session of Congress, I now lay before you a copy of the proceedings, and of the evidence exhibited on the arraignment of Aaron Burr, and others, before the circuit court of the United States, held in Virginia, in the course of the present year, in as authentic form as their several parts have admitted.

CONFIDENTIAL MESSAGE.[1]—DECEMBER 7, 1807.

To the Senate and House of Representatives of the United States:—

Having recently received from our late Minister

[1] This Message was not included in the Congressional edition of 1853. It was forwarded by Jefferson with the following communication to the Vice-President and Speaker of the House of Representatives:

"Dec. 7, 1807.

"SIR,—The papers now communicated to your house for perusal being to be read in the other house also, and, as originals, to be returned to me, Mr. Coles, my secretary, will attend to receive them, after they shall have been read to the satisfaction of your house; and, having handed them to the other house for the same purpose he will return them to me. I ask the favor of your aid in having this course pursued and in preventing their going from the clerk's table, or copies, or extracts being made from them by any one. I salute you with great esteem and respect."

"December 8—The Speaker apprehending it might be necessary for him to read this letter to the house, and that the last paragraph might be offensive, I took back this, and gave him a copy to the words 'return to me,' and I took back also that to the Vice-President (not yet delivered) and sent a copy to the word 'pursued.'"

Plenipotentiary at the court of London a duplicate of dispatches, the original of which has been sent by the Revenge schooner not yet arrived, I hasten to lay them before both houses of Congress. They contain the whole of what has passed between the two governments on the subject of the outrage committed by the British ship Leopard on the frigate Chesapeak. Congress will learn from these papers the present state of the discussion on that transaction, and that it is to be transferred to this place by the mission of a special minister.

While this information will have its proper effect on their deliberations and proceedings respecting the relations between the two countries, they will be sensible that, the negotiation being still depending, it is proper for me to request that the communications may be considered as confidential.

SPECIAL MESSAGE.—DECEMBER 18, 1807.

To the Senate and House of Representatives of the United States:—

The communications now made, showing the great and increasing dangers with which our vessels, our seamen, and merchandise, are threatened on the high seas and elsewhere, from the belligerent powers of Europe, and it being of great importance to keep in safety these essential resources, I deem it my duty to recommend the subject to the consideration

of Congress, who will doubtless perceive all the advantages which may be expected from an inhibition of the departure of our vessels from the ports of the United States.

Their wisdom will also see the necessity of making every preparation for whatever events may grow out of the present crisis.

SPECIAL MESSAGE.—JANUARY 20, 1808.

To the House of Representatives of the United States:—

Some days previous to your resolution of the 13th instant, a court of inquiry had been instituted at the request of General Wilkinson, charged to make the inquiry into his conduct which the first resolution desires, and had commenced their proceedings. To the judge-advocate of that court the papers and information on that subject, transmitted to me by the House of Representatives, have been delivered, to be used according to the rules and powers of that court.

The request of a communication of any information, which may have been received at any time since the establishment of the present government, touching combinations with foreign nations for dismembering the Union, or the corrupt receipt of money by any officer of the United States from the agents of foreign governments, can be complied with but in a partial degree.

It is well understood that, in the first or second year of the presidency of General Washington, infor-

mation was given to him relating to certain combinations with the agents of a foreign government for the dismemberment of the Union; which combinations had taken place before the establishment of the present federal government. This information, however, is believed never to have been deposited in any public office, or left in that of the president's secretary, these having been duly examined, but to have been considered as personally confidential, and, therefore, retained among his private papers. A communication from the governor of Virginia to General Washington, is found in the office of the president's secretary, which, although not strictly within the terms of the request of the House of Representatives, is communicated, inasmuch as it may throw some light on the subjects of the correspondence of that time, between certain foreign agents and citizens of the United States.

In the first or second year of the administration of President Adams, Andrew Ellicott, then employed in designating, in conjunction with the Spanish authorities, the boundaries between the territories of the United States and Spain, under the treaty with that nation, communicated to the executive of the United States papers and information respecting the subjects of the present inquiry, which were deposited in the office of State. Copies of these are now transmitted to the House of Representatives, except of a single letter and a reference from the said Andrew Ellicott, which being expressly desired to

be kept secret, is therefore not communicated, but its contents can be obtained from himself in a more legal form, and directions have been given to summon him to appear as a witness before the court of inquiry.

A paper "on the commerce of Louisiana," bearing date of the 18th of April, 1798, is found in the office of State, supposed to have been communicated by Mr. Daniel Clark, of New Orleans, then a subject of Spain, and now of the House of Representatives of the United States, stating certain commercial transactions of General Wilkinson, in New Orleans; an extract from this is now communicated, because it contains facts which may have some bearing on the questions relating to him.

The destruction of the war-office, by fire, in the close of 1800, involved all information it contained at that date.

The papers already described, therefore, constitute the whole information on the subjects, deposited in the public offices, during the preceding administrations, as far as has yet been found; but it cannot be affirmed that there may be no others, because, the papers of the office being filed, for the most part, alphabetically, unless aided by the suggestion of any particular name which may have given such information, nothing short of a careful examination of the papers in the offices generally, could authorize such affirmation.

About a twelvemonth after I came to the administration of the government, Mr. Clark gave some

verbal information to myself, as well as to the Secretary of State, relating to the same combinations for the dismemberment of the Union. He was listened to freely, and he then delivered the letter of Governor Gagoso, addressed to himself, of which a copy is now communicated. After his return to New Orleans, he forwarded to the Secretary of State other papers, with a request that, after perusal, they should be burned. This, however, was not done, and he was so informed by the Secretary of State, and that they would be held subject to his order. These papers have not yet been found in the office. A letter, therefore, has been addressed to the former chief clerk, who may, perhaps, give information respecting them. As far as our memories enable us to say, they related only to the combinations before spoken of, and not at all to the corrupt receipt of money by any officer of the United States; consequently, they respected what was considered as a dead matter, known to the preceding administrations, and offering nothing new to call for investigations, which those nearest the dates of the transactions had not thought proper to institute.

In the course of the communications made to me on the subject of the conspiracy of Aaron Burr, I sometimes received letters, some of them anonymous, some under names true or false, expressing suspicions and insinuations against General Wilkinson. But one only of them, and that anonymous, specified any particular fact, and that fact was one

of those which had already been communicated to a former administration.

No other information within the purview of the request of the house is known to have been received by any department of the government from the establishment of the present federal government. That which has recently been communicated to the House of Representatives, and by them to me, is the first direct testimony ever made known to me, charging General Wilkinson with the corrupt receipt of money; and the House of Representatives may be assured that the duties which this information devolves on me shall be exercised with rigorous impartiality. Should any want of power in the court to compel the rendering of testimony, obstruct that full and impartial inquiry, which alone can establish guilt or innocence, and satisfy justice, the legislative authority only will be competent to the remedy.

SPECIAL MESSAGE.—JANUARY 30, 1808.

To the Senate and House of Representatives of the United States:—

The Choctaws being indebted to their merchants beyond what could be discharged by the ordinary proceeds of their huntings, and pressed for payment, proposed to the United States to cede lands to the amount of their debts, and designated them in two different portions of their country. These designa-

tions not at all suiting us, were declined. Still, urged by their creditors, as well as their own desire to be liberated from debt, they at length proposed to make a cession which should be to our convenience. By a treaty signed at Pooshapakonuk, on the 16th November, 1805, they accordingly ceded all their lands south of a line to be run from their and our boundary at the Omochita, eastwardly to their boundary with the Creeks on the ridge between the Tombigbee and Alabama, as is more particularly described in the treaty, containing about five millions of acres, as is supposed, and uniting our possessions there from Adams to Washington county.

The location contemplated in the instructions to the commissioners was on the Mississippi. That in the treaty being entirely different, I was, at that time, disinclined to its ratification, and have suffered it to be unacted on. But progressive difficulties in our foreign relations have brought into view considerations other than those which then prevailed. It is perhaps now as interesting to obtain footing for a strong settlement of militia along our southern frontier, eastward of the Mississippi, as on the west of that river, and more so than higher up the river itself. The consolidation of the Mississippi territory, and the establishment of a barrier of separation between the Indians and our southern neighbors, are also important objects; and the Choctaws and their creditors being still anxious that the sale should be made, I submitted the treaty to the Senate, who

have advised and consented to its ratification. I, therefore, now lay it before both houses of Congress for the exercise of their constitutional powers as to the means of fulfilling it.

SPECIAL MESSAGE.—JANUARY 30, 1808.

To the Senate and House of Representatives of the United States:—

The posts of Detroit and Mackinac, having been originally intended by the governments which established and held them, as mere depôts for the commerce with the Indians, very small cessions of land around were obtained or asked from the native proprietors, and these posts depended for protection on the strength of their garrisons. The principle of our government leading us to the employment of such moderate garrisons in time of peace, as may merely take care of the post, and to a reliance on the neighboring militia for its support in the first moments of war, I have thought it would be important to obtain from the Indians such a cession of the neighborhood of these posts as might maintain a militia proportioned to this object; and I have particularly contemplated, with this view, the acquisition of the eastern moiety of the peninsula between the lakes Huron, Michigan, and Erie, extending it to the Connecticut reserve, so soon as it could be effected with the perfect good will of the natives.

By a treaty concluded at Detroit, on the 17th of November last, with the Ottawas, Chippewas, Wyandots, and Pottawatomies, so much of this country has been obtained as extends from about Saguina bay southwardly to the Miami of the lakes, supposed to contain upward of five millions of acres, with a prospect of obtaining, for the present, a breadth of two miles for a communication from the Miami to the Connecticut reserve.

The Senate having advised and consented to the ratification of this treaty, I now lay it before both houses of Congress for the exercise of their constitutional powers as to the means of fulfilling it.

SPECIAL MESSAGE.—FEBRUARY 2, 1808.

To the Senate and House of Representatives of the United States:—

Having received an official communication of certain orders of the British government against the maritime rights of neutrals, bearing date of the 11th of November, 1807, I transmitted to Congress, as a further proof of the increasing dangers to our navigation and commerce which led to the provident measures of the present session, laying an embargo on our own vessels.

SPECIAL MESSAGE.—FEBRUARY 4, 1808.

To the House of Representatives of the United States:—

In my message, January 20th, I stated that some papers forwarded by Mr. Daniel Clark, of New Orleans, to the Secretary of State, in 1803, had not then been found in the office of State; and that a letter had been addressed to the former chief clerk, in the hope that he might advise where they should be sought for. By indications received from him they are now found. Among them are two letters from the Baron de Carondelet to an officer serving under him at a separate post, in which his views of a dismemberment of our Union are expressed. Extracts of so much of these letters as are within the scope of the resolutions of the house, are now communicated. With these were found the letters from Mr. Clark, to the Secretary of State, in 1803. A part of one only of these relates to this subject, and is extracted and enclosed for the information of the house. In no part of the papers communicated by Mr. Clark, which are voluminous, and in different languages, nor in his letters, have we found any intimation of the corrupt receipt of money by any officer of the United States from any foreign nation. As to the combinations with foreign agents for the dismemberment of the Union, these papers and letters offer nothing which was not probably known to my predecessors, or which could call anew for inquiries, which they had not thought necessary to

institute, when the facts were recent and could be better proved. They probably believed it best to let pass into oblivion transactions, which, however culpable, had commenced before this government existed, and had been finally extinguished by the treaty of 1795.

SPECIAL MESSAGE.—FEBRUARY 9, 1808.

To the Senate and House of Representatives of the United States:—

I communicate to Congress, for their information, a letter from the person acting in the absence of our consul at Naples, giving reason to believe, on the affidavit of a Captain Sheffield of the American schooner Mary Ann, that the dey of Algiers had commenced war against the United States. For this no just cause has been given on our part within my knowledge. We may daily expect more authentic and particular information on the subject from Mr. Lear, who was residing as our consul at Algiers.

SPECIAL MESSAGE.—FEBRUARY 15, 1808.

To the Senate and House of Representatives of the United States:—

I communicate for the information of Congress a letter from the consul of the United States at Malaga, to the Secretary of State, covering one from Mr. Lear, our consul at Algiers, which gives information,

that the rupture threatened on the part of the dey of Algiers has been amicably settled, and the vessels seized by him are liberated.

SPECIAL MESSAGE.—FEBRUARY 19, 1808.

To the Senate and House of Representatives of the United States:—

The States of Pennsylvania, Maryland, and Virginia, having, by their several acts, consented that the road from Cumberland to the State of Ohio, authorized by the act of Congress of the 29th March, 1806, should pass through those States, and the report of the commissioners communicated to Congress with my message of the 31st January, 1807, having been duly considered, I have approved of the route therein proposed for the said road, as far as Brownsville, with a single deviation since located, which carries it through Uniontown.

From thence the course of the Ohio, and the point within the legal limits at which it shall strike that river, is still to be decided. In forming this decision, I shall pay material regard to the interests and wishes of the populous part of the State of Ohio, and to a future and convenient connection with the road which is to lead from the Indian boundary near Cincinnati, by Vincennes to the Mississippi, at St. Louis, under authority of the act, 21st April, 1806. In this way we may accomplish a continued and advantageous line of communication from the

seat of the general government to St. Louis, passing through several very interesting points of the western country.

I have thought it advisable also to secure from obliteration the trace of the road so far as it has been approved, which has been executed at such considerable expense, by opening one half of its breadth through its whole length.

The report of the commissioners, herewith transmitted, will give particular information of their proceedings, under the act of the 29th March, 1806, since the date of my message of the 31st January, 1807, and will enable Congress to adopt further measures relative thereto, as they may deem proper under existing circumstances.

SPECIAL MESSAGE.—FEBRUARY 25, 1808.

To the Senate and House of Representatives of the United States:—

The dangers of our country, arising from the contests of other nations and the urgency of making preparation for whatever events might affect our relations with them, have been intimated in preceding messages to Congress. To secure ourselves by due precautions, an augmentation of our military force, as well regular as of volunteer militia, seems to be expedient. The precise extent of that augmentation cannot as yet be satisfactorily suggested, but that no time may be lost, and especially at a season

deemed favorable to the object, I submit to the wisdom of the legislature whether they will authorize a commencement of this precautionary work by a present provision for raising and organizing some additional force; reserving to themselves to decide its ultimate extent on such views of our situation as I may be enabled to present at a future day of the session.

If an increase of force be now approved, I submit to their consideration the outlines of a plan proposed in the enclosed letter from the Secretary of War.

I recommend, also, to the attention of Congress, the term at which the act of April 18th, 1806, concerning the militia, will expire, and the effect of that expiration.

SPECIAL MESSAGE.—MARCH 7, 1808.

To the Senate and House of Representatives of the United States:—

In the city of New Orleans, and adjacent to it, are sundry parcels of ground, some of them with buildings and other improvements on them, which it is my duty to present to the attention of the legislature. The title to those grounds appears to have been retained in the former sovereigns of the province of Louisiana, as public fiduciaries, and for the purposes of the province. Some of them were used for the residence of the governor, for public offices, hospitals, barracks, magazines, fortifications, levees, &c., others

for the townhouse, schools, markets, landings, and other purposes of the city of New Orleans; some were held by religious corporations or persons; others seem to have been reserved for future disposition. To these must be added a parcel called the Batture, which requires more particular description. It is understood to have been a shoal or elevation of the bottom of the river, adjacent to the bank of the suburbs of St. Mary, produced by the successive depositions of mud during the annual inundations of the river, and covered with water only during those inundations. At all other seasons it has been used by the city, immemorially to furnish earth for raising their streets and courtyards, for mortar, and other necessary purposes, and as a landing or quay for unlading firewood, lumber, and other articles brought by water. This having been lately claimed by a private individual, the city opposed the claim on a supposed legal title in itself; but it has been adjudged that the legal title was not in the city. It is, however, alleged that that title, originally in the former sovereigns, was never parted with by them, but was retained in them for the uses of the city and province, and consequently has now passed over to the United States. Until this question can be decided under legislative authority, measures have been taken, according to law, to prevent any change in the state of things, and to keep the grounds clear of intruders. The settlement of this title, the appropriations of the grounds and improvements

formerly occupied for provincial purposes to the same or such other objects as may be better suited to present circumstances; the confirmation of the uses in other parcels to such bodies, corporate or private, as may of right, or other reasonable considerations, expect them, are matters now submitted to the legislature.

The papers and plans now transmitted, will give them such information on the subject as I possess, and being mostly originals, I must request that they may be communicated from the one to the other house to answer the purposes of both.

SPECIAL MESSAGE.—MARCH 17, 1808.

To the Senate and House of Representatives of the United States:—

I have heretofore communicated to Congress the decrees of the government of France, of November 21st, 1806, and of Spain, February 19th, 1807, with the orders of the British government, of January and November, 1807.

I now transmit a decree of the Emperor of France, of December 17th, 1807, and a similar decree of the 3d January last, by his Catholic Majesty. Although the decree of France has not been received by official communication, yet the different channels of promulgation through which the public are possessed of it, with the formal testimony furnished by the government of Spain, in their decree, leave us with-

out a doubt that such a one has been issued. These decrees and orders, taken together, want little of amounting to a declaration that every neutral vessel found on the high seas, whatsoever be her cargo, and whatsoever foreign port be that of her departure or destination, shall be deemed lawful prize; and they prove, more and more, the expediency of retaining our vessels, our seamen, and property, within our own harbors, until the dangers to which they are exposed can be removed or lessened.

SPECIAL MESSAGE.—MARCH 18, 1808.

To the Senate and House of Representatives of the United States:—

The scale on which the military academy at West Point was originally established, is become too limited to furnish the number of well-instructed subjects in the different branches of artillery and engineering which the public service calls for. The want of such characters is already sensibly felt, and will be increased with the enlargement of our plans of military preparation. The chief engineer having been instructed to consider the subject, and to propose an augmentation which might render the establishment commensurate with the present circumstances of our country, has made the report I now transmit for the consideration of Congress.

The idea suggested by him of removing the insti-

tution to this place, is also worthy of attention. Beside the advantage of placing it under the immediate eye of the government, it may render its benefits common to the naval department, and will furnish opportunities of selecting on better information, the characters most qualified to fulfil the duties which the public service may call for.

SPECIAL MESSAGE.—MARCH 22, 1808.

To the Senate and House of Representatives of the United States:—

At the opening of the present session I informed the legislature that the measures which had been taken with the government of Great Britain for the settlement of our neutral and national rights, and of the conditions of commercial intercourse with that nation, had resulted in articles of a treaty which could not be acceded to on our part; that instruction had consequently been sent to our Ministers there to resume the negotiations, and to endeavor to obtain certain alterations; and that this was interrupted by the transaction which took place between the frigates Leopard and Chesapeake. The call on that government for reparation of this wrong produced, as Congress have already been informed, the mission of a special Minister to this country, and the occasion is now arrived when the public interest permits and requires that the whole of these proceedings should be made known to you.

I therefore now communicate the instructions given to our Minister resident at London, and his communications to that government on the subject of the Chesapeake, with the correspondence which has taken place here between the Secretary of State and Mr. Rose, the special Minister charged with the adjustment of that difference; the instructions to our Ministers for the formation of a treaty; their correspondence with the British commissioners and with their own government on that subject; the treaty itself, and written declaration of the British commissioners accompanying it, and the instructions given by us for resuming the negotiations, with the proceedings and correspondence subsequent thereto. To these I have added a letter lately addressed to the Secretary of State from one of our late Ministers, which, though not strictly written in an official character, I think it my duty to communicate, in order that his views of the proposed treaty and its several articles may be fairly presented and understood.

Although I have heretofore and from time to time made such communications to Congress as to keep them possessed of a general and just view of the proceedings and dispositions of the government of France toward this country, yet, in our present critical situation, when we find no conduct on our part, however impartial and friendly, has been sufficient to insure from either belligerent a just respect for our rights, I am desirous that nothing shall be omitted on my

part which may add to your information on this subject, or contribute to the correctness of the views which should be formed. The papers which for these reasons I now lay before you embrace all the communications, official or verbal, from the French government, respecting the general relations between the two countries which have been transmitted through our Minister there, or through any other accredited channel, since the last session of Congress, to which time all information of the same kind had from time to time been given them. Some of these papers have already been submitted to Congress; but it is thought better to offer them again, in order that the chain of communications, of which they make a part, may be presented unbroken.

When, on the 26th of February, I communicated to both houses the letter of General Armstrong to M. Champagny, I desired it might not be published, because of the tendency of that practice to restrain injuriously the freedom of our foreign correspondence. But perceiving that this caution, proceeding purely from a regard for the public good, has furnished occasion for disseminating unfounded suspicions and insinuations, I am induced to believe that the good which will now result from its publication, by confirming the confidence and union of our fellow citizens, will more than countervail the ordinary objection to such publications. It is my wish, therefore, that it may be now published.

EIGHTH ANNUAL MESSAGE.—NOVEMBER 8, 1808.

To the Senate and House of Representatives of the United States:—

It would have been a source, fellow citizens, of much gratification, if our last communications from Europe had enabled me to inform you that the belligerent nations, whose disregard of neutral rights has been so destructive to our commerce, had become awakened to the duty and true policy of revoking their unrighteous edicts. That no means might be omitted to produce this salutary effect, I lost no time in availing myself of the act authorizing a suspension, in whole or in part, of the several embargo laws. Our ministers at London and Paris were instructed to explain to the respective governments there, our disposition to exercise the authority in such manner as would withdraw the pretext on which the aggressions were originally founded, and open the way for a renewal of that commercial intercourse which it was alleged on all sides had been reluctantly obstructed. As each of those governments had pledged its readiness to concur in renouncing a measure which reached its adversary through the incontestable rights of neutrals only, and as the measure had been assumed by each as a retaliation for an asserted acquiescence in the aggressions of the other, it was reasonably expected that the occasion would have been seized by both for evincing the sincerity of their profession, and for restoring to the commerce

of the United States its legitimate freedom. The instructions to our ministers with respect to the different belligerents were necessarily modified with reference to their different circumstances, and to the condition annexed by law to the executive power of suspension, requiring a degree of security to our commerce which would not result from a repeal of the decrees of France. Instead of a pledge, therefore, of a suspension of the embargo as to her in case of such a repeal, it was presumed that a sufficient inducement might be found in other considerations, and particularly in the change produced by a compliance with our just demands by one belligerent, and a refusal by the other, in the relations between the other and the United States. To Great Britain, whose power on the ocean is so ascendant, it was deemed not inconsistent with that condition to state explicitly, that on her rescinding her orders in relation to the United States their trade would be opened with her, and remain shut to her enemy, in case of his failure to rescind his decrees also. From France no answer has been received, nor any indication that the requisite change in her decrees is contemplated. The favorable reception of the proposition to Great Britain was the less to be doubted, as her orders of council had not only been referred for their vindication to an acquiescence on the part of the United States no longer to be pretended, but as the arrangement proposed, while it resisted the illegal decrees of France, involved, moreover, substantially, the pre-

cise advantages professedly aimed at by the British orders. The arrangement has nevertheless been rejected.

This candid and liberal experiment having thus failed, and no other event having occurred on which a suspension of the embargo by the executive was authorized, it necessarily remains in the extent originally given to it. We have the satisfaction, however, to reflect, that in return for the privations by the measure, and which our fellow citizens in general have borne with patriotism, it has had the important effects of saving our mariners and our vast mercantile property, as well as of affording time for prosecuting the defensive and provisional measures called for by the occasion. It has demonstrated to foreign nations the moderation and firmness which govern our councils, and to our citizens the necessity of uniting in support of the laws and the rights of their country, and has thus long frustrated those usurpations and spoliations which, if resisted, involve war; if submitted to, sacrificed a vital principle of our national independence.

Under a continuance of the belligerent measures which, in defiance of laws which consecrate the rights of neutrals, overspread the ocean with danger, it will rest with the wisdom of Congress to decide on the course best adapted to such a state of things; and bringing with them, as they do, from every part of the Union, the sentiments of our constituents, my confidence is strengthened, that in forming this

decision they will, with an unerring regard to the essential rights and interests of the nation, weigh and compare the painful alternatives out of which a choice is to be made. Nor should I do justice to the virtues which on other occasions have marked the character of our fellow citizens, if I did not cherish an equal confidence that the alternative chosen, whatever it may be, will be maintained with all the fortitude and patriotism which the crisis ought to inspire.

The documents containing the correspondences on the subject of the foreign edicts against our commerce, with the instructions given to our ministers at London and Paris, are now laid before you.

The communications made to Congress at their last session explained the posture in which the close of the discussion relating to the attack by a British ship of war on the frigate Chesapeake left a subject on which the nation had manifested so honorable a sensibility. Every view of what had passed authorized a belief that immediate steps would be taken by the British government for redressing a wrong, which, the more it was investigated, appeared the more clearly to require what had not been provided for in the special mission. It is found that no steps have been taken for the purpose. On the contrary, it will be seen, in the documents laid before you, that the inadmissible preliminary which obstructed the adjustment is still adhered to; and, moreover, that it is now brought into connection with the distinct and

irrelative case of the orders in council. The instructions which had been given to our ministers at London with a view to facilitate, if necessary, the reparation claimed by the United States, are included in the documents communicated.

Our relations with the other powers of Europe have undergone no material changes since your last session. The important negotiations with Spain, which had been alternately suspended and resumed, necessarily experience a pause under the extraordinary and interesting crisis which distinguished her internal situation.

With the Barbary powers we continue in harmony, with the exception of an unjustifiable proceeding of the dey of Algiers toward our consul to that regency. Its character and circumstances are now laid before you, and will enable you to decide how far it may, either now or hereafter, call for any measures not within the limits of the executive authority.

With our Indian neighbors the public peace has been steadily maintained. Some instances of individual wrong have, as at other times, taken place, but in nowise implicating the will of the nation. Beyond the Mississippi, the Iowas, the Sacs, and the Alabamas, have delivered up for trial and punishment individuals from among themselves accused of murdering citizens of the United States. On this side of the Mississippi, the Creeks are exerting themselves to arrest offenders of the same kind; and the Choctaws have manifested their readiness and desire

for amicable and just arrangements respecting depredations committed by disorderly persons of their tribe. And, generally, from a conviction that we consider them as part of ourselves, and cherish with sincerity their rights and interests, the attachment of the Indian tribes is gaining strength daily—is extending from the nearer to the more remote, and will amply requite us for the justice and friendship practised towards them. Husbandry and household manufacture are advancing among them, more rapidly with the southern than the northern tribes, from circumstances of soil and climate; and one of the two great divisions of the Cherokee nation have now under consideration to solicit the citizenship of the United States, and to be identified with us in laws and government, in such progressive manner as we shall think best.

In consequence of the appropriations of the last session of Congress for the security of our seaport towns and harbors, such works of defence have been erected as seemed to be called for by the situation of the several places, their relative importance, and the scale of expense indicated by the amount of the appropriation. These works will chiefly be finished in the course of the present season, except at New York and New Orleans, where most was to be done; and although a great proportion of the last appropriation has been expended on the former place, yet some further views will be submitted to Congress for rendering its security entirely

adequate against naval enterprise. A view of what has been done at the several places, and of what is proposed to be done, shall be communicated as soon as the several reports are received.

Of the gun-boats authorized by the act of December last, it has been thought necessary to build only one hundred and three in the present year. These, with those before possessed, are sufficient for the harbors and waters exposed, and the residue will require little time for their construction when it is deemed necessary.

Under the act of the last session for raising an additional military force, so many officers were immediately appointed as were necessary for carrying on the business of recruiting, and in proportion as it advanced, others have been added. We have reason to believe their success has been satisfactory, although such returns have not yet been received as enable me to present to you a statement of the numbers engaged.

I have not thought it necessary in the course of the last season to call for any general detachments of militia or volunteers under the law passed for that purpose. For the ensuing season, however, they will require to be in readiness should their services be wanted. Some small and special detachments have been necessary to maintain the laws of embargo on that portion of our northern frontier which offered peculiar facilities for evasion, but these were replaced as soon as it could be done by bodies of new recruits.

By the aid of these, and of the armed vessels called into actual service in other quarters, the spirit of disobedience and abuse which manifested itself early, and with sensible effect while we were unprepared to meet it, has been considerably repressed.

Considering the extraordinary character of the times in which we live, our attention should unremittingly be fixed on the safety of our country. For a people who are free, and who mean to remain so, a well-organized and armed militia is their best security. It is, therefore, incumbent on us, at every meeting, to revise the condition of the militia, and to ask ourselves if it is prepared to repel a powerful enemy at every point of our territories exposed to invasion. Some of the States have paid a laudable attention to this object; but every degree of neglect is to be found among others. Congress alone have power to produce a uniform state of preparation in this great organ of defence; the interests which they so deeply feel in their own and their country's security will present this as among the most important objects of their deliberation.

Under the acts of March 11th and April 23d, respecting arms, the difficulty of procuring them from abroad, during the present situation and dispositions of Europe, induced us to direct our whole efforts to the means of internal supply. The public factories have, therefore, been enlarged, additional machineries erected, and in proportion as artificers can be found or formed, their effect, already more

than doubled, may be increased so as to keep pace with the yearly increase of the militia. The annual sums appropriated by the latter act, have been directed to the encouragement of private factories of arms, and contracts have been entered into with individual undertakers to nearly the amount of the first year's appropriation.

The suspension of our foreign commerce, produced by the injustice of the belligerent powers, and the consequent losses and sacrifices of our citizens, are subjects of just concern. The situation into which we have thus been forced, has impelled us to apply a portion of our industry and capital to internal manufactures and improvements. The extent of this conversion is daily increasing, and little doubt remains that the establishments formed and forming will—under the auspices of cheaper materials and subsistence, the freedom of labor from taxation with us, and of protecting duties and prohibitions—become permanent. The commerce with the Indians, too, within our own boundaries, is likely to receive abundant aliment from the same internal source, and will secure to them peace and the progress of civilization, undisturbed by practices hostile to both.

The accounts of the receipts and expenditures during the year ending on the 30th day of September last, being not yet made up, a correct statement will hereafter be transmitted from the Treasury. In the meantime, it is ascertained that the receipts have

amounted to near eighteen millions of dollars, which, with the eight millions and a half in the treasury at the beginning of the year, have enabled us, after meeting the current demands and interest incurred, to pay two millions three hundred thousand dollars of the principal of our funded debt, and left us in the treasury, on that day, near fourteen millions of dollars. Of these, five millions three hundred and fifty thousand dollars will be necessary to pay what will be due on the first day of January next, which will complete the reimbursement of the eight per cent. stock. These payments, with those made in the six years and a half preceding, will have extinguished thirty-three millions five hundred and eighty thousand dollars of the principal of the funded debt, being the whole which could be paid or purchased within the limits of the law and our contracts; and the amount of principal thus discharged will have liberated the revenue from about two millions of dollars of interest, and added that sum annually to the disposable surplus. The probable accumulation of the surpluses of revenue beyond what can be applied to the payment of the public debt, whenever the freedom and safety of our commerce shall be restored, merits the consideration of Congress. Shall it lie unproductive in the public vaults? Shall the revenue be reduced? Or shall it rather be appropriated to the improvements of roads, canals, rivers, education, and other great foundations of prosperity and union, under the powers which Congress may already

possess, or such amendment of the constitution as may be approved by the States? While uncertain of the course of things, the time may be advantageously employed in obtaining the powers necessary for a system of improvement, should that be thought best.

Availing myself of this the last occasion which will occur of addressing the two houses of the legislature at their meeting, I cannot omit the expression of my sincere gratitude for the repeated proofs of confidence manifested to me by themselves and their predecessors since my call to the administration, and the many indulgences experienced at their hands. The same grateful acknowledgments are due to my fellow citizens generally, whose support has been my great encouragement under all embarrassments. In the transaction of their business I cannot have escaped error. It is incident to our imperfect nature. But I may say with truth, my errors have been of the understanding, not of intention; and that the advancement of their rights and interests has been the constant motive for every measure. On these considerations I solicit their indulgence. Looking forward with anxiety to their future destinies, I trust that, in their steady character unshaken by difficulties, in their love of liberty, obedience to law, and support of the public authorities, I see a sure guaranty of the permanence of our republic; and retiring from the charge of their affairs, I carry with me the consolation of a firm persuasion that Heaven

has in store for our beloved country long ages to come of prosperity and happiness.

SPECIAL MESSAGE.—DECEMBER 30, 1808.

To the Senate and House of Representatives of the United States:—

I lay before the legislature a letter from Governor Claiborne, on the subject of a small tribe of Alabama Indians, on the western side of the Mississippi, consisting of about a dozen families. Like other erratic tribes in that country, it is understood that they have hitherto moved from place to place, according to their convenience, without appropriating to themselves exclusively any particular territory. But having now become habituated to some of the occupations of civilized life, they wish for a fixed residence. I suppose it will be the interest of the United States to encourage the wandering tribes of that country to reduce themselves to fixed habitations, whenever they are so disposed. The establishment of towns, and growing attachment to them, will furnish, in some degree, pledges of their peaceable and friendly conduct. The case of this particular tribe is now submitted to the consideration of Congress.

SPECIAL MESSAGE.—JANUARY 6, 1809.

To the Senate and House of Representatives of the United States:—

I now lay before Congress a statement of the works of defence which it has been thought necessary to provide in the first instance, for the security of our seaports, towns, and harbors, and of the progress toward their completion; their extent has been adapted to the scale of the appropriation, and to the circumstances of the several places.

The works undertaken at New York are calculated to annoy and endanger any naval force which shall enter the harbor, and, still more, one which should attempt to lie before the city. To prevent altogether the entrance of large vessels, a line of blocks across the harbor has been contemplated, and would, as is believed, with the auxiliary means already provided, render that city safe against naval enterprise. The expense, as well as the importance of the work, renders it a subject proper for the special consideration of Congress.

At New Orleans, two separate systems of defence are necessary; the one for the river, the other for the lake, which, at present, can give no aid to one another. The canal now leading from the lake, if continued into the river, would enable the armed vessels in both stations to unite, and to meet in conjunction an attack from either side; half the aggregate force would then have the same effect as the whole; or the

same force double the effect of what either can have. It would also enable the vessels stationed in the lake, when attacked by superior force, to retire to a safer position in the river. The same considerations of expense and importance render this also a question for the special decision of Congress.

APPENDIX.

CONFIDENTIAL MESSAGE RECOMMENDING A WESTERN EXPLORING EXPEDITION.—JANUARY 18, 1803.

Gentlemen of the Senate and of the House of Representatives:—

As the continuance of the act for establishing trading-houses with the Indian tribes, will be under the consideration of the legislature at its present session, I think it my duty to communicate the views which have guided me in the execution of that act, in order that you may decide on the policy of continuing it, in the present or any other form, or discontinue it altogether, if that shall, on the whole, seem most for the public good.

The Indian tribes residing within the limits of the United States, have, for a considerable time, been growing more and more uneasy at the constant diminution of the territory they occupy, although effected by their own voluntary sales; and the policy has long been gaining strength with them, of refusing absolutely all further sale, on any conditions; insomuch that, at this time, it hazards their friendship, and excites dangerous jealousies and perturbations in their minds to make any overture for the purchase of the smallest portions of their land. A very few

tribes only are not yet obstinately in these dispositions. In order peaceably to counteract this policy of theirs, and to provide an extension of territory which the rapid increase of our numbers will call for, two measures are deemed expedient. First: to encourage them to abandon hunting, to apply to the raising stock, to agriculture and domestic manufactures, and thereby prove to themselves that less land and labor will maintain them in this, better than in their former mode of living. The extensive forests necessary in the hunting life will then become useless, and they will see advantage in exchanging them for the means of improving their farms and of increasing their domestic comforts. Secondly: to multiply trading-houses among them, and place within their reach those things which will contribute more to their domestic comfort than the possession of extensive but uncultivated wilds. Experience and reflection will develop to them the wisdom of exchanging what they can spare and we want, for what we can spare and they want. In leading them thus to agriculture, to manufactures, and civilization; in bringing together their and our settlements, and in preparing them ultimately to participate in the benefits of our government, I trust and believe we are acting for their greatest good. At these trading-houses we have pursued the principles of the act of Congress, which directs that the commerce shall be carried on liberally, and requires only that the capital stock shall not be diminished. We consequently under-

sell private traders, foreign and domestic; drive them from the competition; and thus, with the good will of the Indians, rid ourselves of a description of men who are constantly endeavoring to excite in the Indian mind suspicions, fears, and irritations toward us. A letter now enclosed, shows the effect of our competition on the operations of the traders, while the Indians, perceiving the advantage of purchasing from us, are soliciting generally our establishment of trading houses among them. In one quarter this is particularly interesting. The legislature, reflecting on the late occurrences on the Mississippi, must be sensible how desirable it is to possess a respectable breadth of country on that river, from our southern limit to the Illinois at least, so that we may present as firm a front on that as on our eastern border. We possess what is below the Yazoo, and can probably acquire a certain breadth from the Illinois and Wabash to the Ohio; but between the Ohio and Yazoo, the country all belongs to the Chickasaws, the most friendly tribe within our limits, but the most decided against the alienation of lands. The portion of their country most important for us is exactly that which they do not inhabit. Their settlements are not on the Mississippi, but in the interior country. They have lately shown a desire to become agricultural, and this leads to the desire of buying implements and comforts. In the strengthening and gratifying of these wants, I see the only prospect of planting on the Mississippi itself, the means of its

own safety. Duty has required me to submit these views to the judgment of the legislature; but as their disclosure might embarrass and defeat their effect, they are committed to the special confidence of the two houses.

While the extension of the public commerce among the Indian tribes, may deprive of that source of profit such of our citizens as are engaged in it, it might be worthy the attention of Congress, in their care of individual as well as of the general interest, to point in another direction the enterprise of these citizens, as profitably for themselves, and more usefully for the public. The river Missouri, and the Indians inhabiting it, are not as well known as is rendered desirable by their connection with the Mississippi, and consequently with us. It is, however, understood, that the country on that river is inhabited by numerous tribes, who furnish great supplies of furs and peltry to the trade of another nation, carried on in a high latitude, through an infinite number of portages and lakes, shut up by ice through a long season. The commerce on that line could bear no competition with that of the Missouri, traversing a moderate climate, offering, according to the best accounts, a continued navigation from its source, and possibly with a single portage, from the western ocean, and finding to the Atlantic a choice of channels through the Illinois or Wabash, the lakes and Hudson, through the Ohio and Susquehanna, or Potomac or James rivers, and through the Tennessee

and Savannah rivers. An intelligent officer, with ten or twelve chosen men, fit for the enterprise, and willing to undertake it, taken from our posts, where they may be spared without inconvenience, might explore the whole line, even to the western ocean; have conferences with the natives on the subject of commercial intercourse; get admission among them for our traders, as others are admitted; agree on convenient deposits for an interchange of articles; and return with the information acquired, in the course of two summers. Their arms and accoutrements, some instruments of observation, and light and cheap presents for the Indians, would be all the apparatus they could carry, and with an expectation of a soldier's portion of land on their return, would constitute the whole expense. Their pay would be going on, whether here or there. While other civilized nations have encountered great expense to enlarge the boundaries of knowledge, by undertaking voyages of discovery, and for other literary purposes, in various parts and directions, our nation seems to owe to the same object, as well as to its own interests, to explore this, the only line of easy communication across the continent, and so directly traversing our own part of it. The interests of commerce place the principal object within the constitutional powers and care of Congress, and that it should incidentally advance the geographical knowledge of our own continent, can not but be an additional gratification. The nation claiming the territory, regarding this as

a literary pursuit, which it is in the habit of permitting within its own dominions, would not be disposed to view it with jealousy, even if the expiring state of its interests there did not render it a matter of indifference. The appropriation of two thousand five hundred dollars, "for the purpose of extending the external commerce of the United States," while understood and considered by the executive as giving the legislative sanction, would cover the undertaking from notice, and prevent the obstructions which interested individuals might otherwise previously prepare in its way.

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AND

A COMPREHENSIVE ANALYTICAL INDEX

ALBERT ELLERY BERGH
EDITOR

VOL. IV.

ISSUED UNDER THE AUSPICES OF
THE THOMAS JEFFERSON MEMORIAL ASSOCIATION
OF THE UNITED STATES
WASHINGTON, D. C.
1907

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JEFFERSON AS A PROMOTER OF GENERAL EDUCATION.

"Institutions," it has been said, "are the lengthening shadows of men." In a large sense this is true. Institutions, systems and governments find their first general expression in the words of a few men who work and toil for humanity. It is well, therefore, that at times we go back to the original declaration,—the springs from which have flowed the rivers that refresh and benefit mankind. The subject may not be a new one, yet the particular manifestation, or phase of it, in a community or nation, will be found to have originated in the mind and from the efforts and writings of a man.

Whatever else may be said or thought of Thomas Jefferson, all agree that he was unique and strong in his personality, and, in history, he stands among the few "upon the mountain heights." It is, I think, agreed that he belonged to that small number, who in the great highway of life are far in advance of their age; who see some things clearly which are obscure to others that stand around them. It is more than far-sightedness; it is rather a spiritual possession; a deep intuition that takes hold of right by instinct and sees States and sys-

tems as the artist sees the picture or the form before the brush has touched the canvas, or the marble has felt the chisel. The age rejects the vision because the masses have not the knowledge or faith to see it, but the day dawns at last—too late for the seer to participate in the action—when the people reach the point of view and then the world says, "He saw and expressed it a century or twenty centuries ago." This power is not the result of education; it is instinct in some great souls. Education aids in the expression of the thought; it builds around it a fortification of defense; but the time comes when the simple statement of the truth is all that is needed. It is accepted, not because it can be defended, but because the enlightened minds of earth see that it is right. I have made these introductory statements because what Jefferson said in reference to education are in the main common and accepted theories to-day.

It might well be expected that in speaking upon this topic much should be said about the efforts of Thomas Jefferson to secure legislation in his State in the interest of education. The education bill which he prepared and labored so hard and long to have adopted by the Virginia Legislature, is worthy of study and comment. Especially would it be pleasant and appropriate to speak of his splendid work in establishing and building that great institution of learning, the University of Virginia,—an institution which in its constitution, its form of organization,

its curriculum, and its architecture, bears the imprint of his noble mind. One thinks of this university with profound admiration. Its service has been long and excellent; but when we think of the University of Virginia, great as its service has been in the usual work of the university, our minds instinctively recall its "honor system," which differentiates it from other great universities. To teach men honor, and to require them to organize for the defence and maintenance of honor in student life and conduct, is to grow men who will stand for the State, the observance of law, not as a matter of expediency or policy, but as the high and controlling duty of the citizen. Nothing in the development of this university could better exemplify the thought and character of its founder.

But it is not these works of Thomas Jefferson which come involuntarily to the mind when he is spoken of as a promoter of education that I wish to emphasize. Rather let me recall a few fundamental and unique principles which he believed in and advocated.

He believed profoundly in the education of all the children in the State, of rich and poor alike, in the fundamental or elementary courses of instruction at public expense. In his famous education bill the first provision was for elementary schools, free to the children of every citizen, where competent instruction was to be given in "reading, writing, common arithmetic, and general geography."

We need not quarrel with the curriculum; that is a detail. The great thought underlying it and of vital interest, is expressed in two letters upon the subject. Writing to Mr. C. C. Blatchley, he said: "I look to the diffusion of light and education as the source most to be relied on for ameliorating the condition, promoting the virtue and advancing the happiness of man." And again, writing to James Madison, he said: "Above all things I hope the education of the common people will be attended to; convinced that on their good sense we may rely with the most security for the preservation of a due degree of liberty."

The great general principle, the mighty underlying, foundation truth, is that in the general elementary education of *all the people* there will be found the way, and the only way, to virtue, happiness, security, and liberty. There are no conditions or provisos in this social law. Religion, race, conditions—material, social and political—do not lessen its importance, or vary its operation, or impose any conditions upon it. Will you have a happy, virtuous people, a free, a secure State? then educate *all the people* in the fundamental subjects of knowledge; instruct every child to read, that he may know what is going on in the world; instruct him in those other necessary branches of learning that he may keep his part in the world's work going right. In the free public schools are the tap-roots of true citizenship.

Jefferson provided in his education bill for higher education—for colleges and university. Specialization was limited in his day as compared with our present conditions. Then higher education was for those who were to enter the learned professions and for the leisure classes. To-day we offer systematic and scientific education to all who are preparing for almost every department of life. But the general thought he expressed is still true and applicable. He said: "I do most anxiously wish to see the highest degrees of education given to the highest degrees of genius."

If perfection of operation is so desirable and so much sought after in mechanics, what efforts are too great, what sacrifices too rich in effort or money, to develop perfection in the minds and hands of the men who are, and are always to be, the factors in the development, progress, civilization, and service of mankind! Colleges, universities, professional and technical schools are necessary for those who are to do the intellectual labor, the scientific and skilled work in the world's great laboratories. Here in this upper sphere of education there are two thoughts of Jefferson that we may well consider. The first is *method*—and here we find the approved method exemplified in Jefferson's way of doing things. Men of his type are not satisfied to take things at second hand which may be acquired from original sources. He urged the study of languages—of which he possessed

a knowledge of four—that the thoughts of men worth the reading and study might be obtained in the very words in which the thoughts were expressed; deeming the words selected by the author important to a true understanding of the idea. He says: "To all this I add, that to read the Latin and Greek authors in their original is a sublime luxury; and I deem luxury in science at least as justifiable as in architecture, painting, gardening, or the other arts."

Writing to a friend in France, in later life, upon the subject of fitting one's self for public life and especially for the duties of a legislator, he said, in substance: Go among the people, lounge upon their beds that you may see how hard they are; eat their food that you may be able, if possible, to put some meat in their kettle of vegetables.

In higher education, then, we should use, to the greatest degree possible, the method of original research. Let the student in engineering learn and establish himself in the laboratories and workshops where "things are done." Let the student of chemistry bend over fierce fires and the refining pot. Let the student of history learn some things from the men who are making history. Let the student of jurisprudence take his knowledge from jurists and judicial opinions. And let the student of the classics find in tombs and buried cities a knowledge of the ancients, and read his poetry and prose in the languages in which they were written.

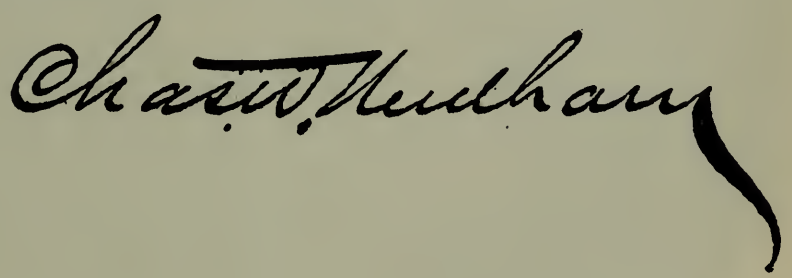
The second thought in this higher realm is suggested in that proviso which Jefferson added to the second section of his bill. Colleges were to be within a day's ride of every inhabitant, and a university in the State. Of course, these institutions were open to all who could provide for themselves and pay the tuition. But this strange man was always looking out for picked men to serve the State; not necessarily in public life, but in all those higher walks that make the higher civilization. And he believed that there was material for high and noble service among the poor. He would, therefore, have free scholarships in these colleges for the poor man's son. But how was the selection to be made? What tests were to be applied in admitting to these free courses? The provision reads: "For the full education at the public expense of select subjects from among the poor *who shall have exhibited at the elementary schools the most pronounced indication of aptness of judgment and correct disposition.*" Here is a test, a standard for admission entirely overlooked in the present day. States and benevolent organizations of all kinds are establishing institutions for higher learning, and the only tests required are that the candidate for such privileges shall have a certain per centum of the knowledge taught in the secondary schools. "Aptness of judgment and correct disposition" are not considered in determining whether the riches of these educational advantages shall be showered

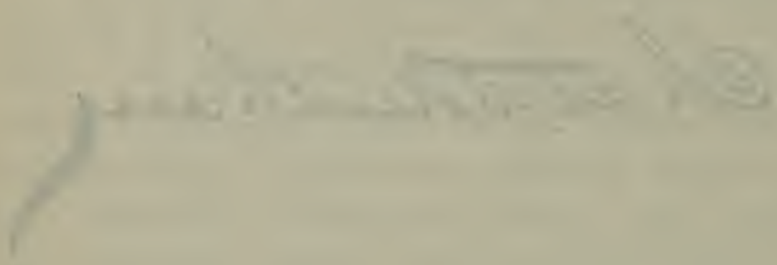
without cost upon men. The result is, that in many cases young men are instructed in higher knowledge for a profession, or a calling, for which they have no natural fitness or qualifications; the real elements of success are not in them. We cannot prevent a man of wealth sending his son to an institution to spend years in preparation for a profession in which he can never succeed because nature made him for something else; but in giving free education, whether by the State or by voluntary organizations, this suggestion of Jefferson partakes of that wisdom which lives in worthy men who dare to say and dare to do the right things in all matters, even in benevolent and political action. The higher education bestowed upon those who have not the *aptness of judgment* and the *correct disposition* for its exercise and use, is more than a waste of time and effort. It unfits such men for the service they might render in humbler walks of life, makes them restless and unhappy, creates an unstable class in society, and, therefore, renders the State less secure,—the very opposite results which should follow a proper control of educational efforts.

The last thought is Jefferson's reason for education—"the preservation of liberty." How these men loved liberty! They knew its value, for they paid the price of it. I like this thought which he expressed: "A government wherein the will of every one has a just influence . . . enjoys a precious degree of liberty." But the "will" of the individual

is of little value unless there be a fair degree of intelligence among all the people, and liberty in its highest form can not be made prevalent for good without a general appreciation of its value. Spencer says truly: "The ability of a nation to hold its own against other nations depends on the skilled activity of its units. We see that on such knowledge may turn the nation's fate."

And so Jefferson keeps constantly before us the thought, that, in the elementary education of all the people, and in the higher education of those who show indications of "aptness of judgment and correct disposition," is to be found happiness for the people, security and strength for the State, and the preservation of liberty.





Jefferson at Fifty-eight

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Jefferson at Fifty-eight

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CONTENTS.

PAGE

Jefferson as a Promoter of General Education. By Charles Willis Needham, LL. D., President of Columbian University, Washington, D. C. i

Letters Written Before His Mission to Europe (1762–1784) 1–458

To John Page, Dec. 25, 1762..... 1
To John Page, Jan. 20, 1763..... 6
To John Page, July 15, 1763..... 8
To John Page, October 7, 1763..... 12
To John Page, January 19, 1764..... 13
To Governor (John) Page, January 23, 1764..... 14
To John Page, April 9, 1764..... 16
To John Page, February 21, 1770..... 17
To Charles McPherson, Feb. 25, 1773..... 21
To Colonel Archibald Carey, Dec. 9, 1774..... 23
To Dr. William Small, May 7, 1775..... 26
To John Randolph, August 25, 1775..... 28
To John Randolph, November 29, 1775..... 31
To Richard Henry Lee, July 8, 1776..... 34
To Dr. Benjamin Franklin, August 13, 1777..... 34
To John Adams, Aug. 21, 1777..... 36
To ————, June 8, 1778..... 38
To David Rittenhouse, July 19, 1778..... 42
To John Page, January 22, 1779..... 43
To George Wythe, March 1, 1779..... 44
To Patrick Henry, March 27, 1779..... 45
To General Washington, June 23, 1779..... 59

LETTERS WRITTEN BEFORE HIS MISSION TO EUROPE (1762–1784)—*Continued.*

PAGE

To General Washington, July 17, 1779..... 67
To General Washington, October 1, 1779..... 70
To General Washington, Oct. 2, 1779..... 72
To General Washington, Oct. 8, 1779..... 73
To Colonel George Mathews, Oct., 1779..... 74
To General Washington, Nov. 28, 1779..... 78
To General Washington, Dec. 10, 1779..... 81
To General Washington, Feb. 10, 1780..... 83
To General De Riedesel, May 3, 1780..... 85
To General Washington, June 11, 1780..... 86
To General Washington, July 2, 1780..... 89
To General Edward Stevens, Aug. 4, 1780..... 90
To ———, Aug. 4, 1780..... 93
To Major-General Horatio Gates, August 15, 1780 96
To General Washington, Sept. 3, 1780..... 97
To General Edward Stevens, Sept. 3, 1780..... 99
To Major-General Gates, Sept. 11, 1780..... 100
To General Edward Stevens, Sept. 12, 1780..... 101
To General Edward Stevens, Sept. 15, 1780..... 103
To Major-General Gates, Sept. 23, 1780..... 104
To General Washington, Sept. 23, 1780..... 106
To General Washington, Sept. 26, 1780..... 108
To Major-General Gates, Oct. 4, 1780..... 112
To General Gates, Oct. 15, 1780..... 116
To General Washington, Oct. 22, 1780..... 120
To Major-General Gates, Oct. 22, 1780..... 121
To General Washington, Oct. 25, 1780..... 122
To General Washington, Oct. 26, 1780..... 123
To General Gates, Oct. 28, 1780..... 124
To General Washington, Nov. 3, 1780..... 126
To General Washington, Nov. 10, 1780..... 129
To ———, Nov. 10, 1780..... 130
To General Edward Stevens, Nov. 10, 1780 132

LETTERS WRITTEN BEFORE HIS MISSION TO EUROPE (1762–1784)—*Continued.*

PAGE

To General Gates, Nov. 19, 1780 134
To General Washington, Nov. 26, 1780 135
To General Edward Stevens, Nov. 26, 1780 137
To Lieutenant John Louis de Unger, Nov. 30, 1780 138
To General Washington, Dec. 15, 1780 140
To General Washington, Jan. 10, 1781 143
To the President of Congress (Samuel Huntington), Jan. 15, 1781 147
To the President of Congress, Jan. 15, 1781 148
To the President of Congress, Jan. 17, 1781 151
To the Virginia Delegates in Congress, Jan. 18, 1781 151
To ———, Jan. 21, 1781 154
To General Washington, Feb. 8, 1781 156
To General Washington, Feb. 12, 1781 157
To General Washington, Feb. 17, 1781 158
To General Gates, Feb. 17, 1781 161
To Colonel Campbell, Feb. 17, 1781 162
To General Washington, Feb. 26, 1781 164
To Monsieur De Marbois, March 4, 1781 164
To General Washington, March 8, 1781 165
To the President of Congress, March 19, 1781 168
To the President of Congress, March 21, 1781 168
To the President of Congress, March 26, 1781 170
To the President of Congress, March 28, 1781 171
To the President of Congress, March 31, 1781 172
To the President of Congress, April 7, 1781 173
To the President of Congress, April 18, 1781 174
To General Washington, April 23, 1781 175
To General Washington, May 9, 1781 176
To the Virginia Delegates in Congress, May 10, 1781 179
To General Washington, May 28, 1781 181

LETTERS WRITTEN BEFORE HIS MISSION TO EUROPE (1762–1784)—*Continued.* PAGE

To the Marquis De La Fayette, August 4, 1781... 184
To Edmund Randolph, September 16, 1781..... 186
To General Washington, Oct. 28, 1781..... 188
To General Gates, December 14, 1781..... 188
To James Madison, March 24, 1782..... 190
James Monroe to Thomas Jefferson, May 11, 1782 192
To Colonel James Monroe, May 20, 1782..... 193
To Robert R. Livingston, November 26, 1782.... 198
To the Chevalier François Jean De Chattellux, November 26, 1782..... 199
To James Steptoe, November 26, 1782..... 201
To James Madison, November 26, 1782..... 203
To General Washington, January 22, 1783..... 205
To the Chevalier De La Luzerne, Minister of France, February 7, 1783..... 206
To Robert R. Livingston, Secretary for Foreign Affairs, February 7, 1783..... 207
George Washington to the Honorable Thomas Jefferson, February 10, 1783..... 209
Robert R. Livingston to Thomas Jefferson, February 14, 1783..... 210
To Robert R. Livingston, February 14, 1783..... 211
Robert R. Livingston to Thomas Jefferson, Feb. 18, 1783..... 212
To Robert R. Livingston, March 13, 1783..... 213
To John Jay, April 11, 1783..... 214
To General Washington, April 16, 1784..... 215
To William Fleming, Richmond, 1763..... 222
To Colonel William Preston, Aug. 18, 1768..... 224
To Peyton Randolph, July 23, 1770..... 225
To Thomas Adams, Feb. 20, 1771..... 229
To James Ogilvie, Feb. 20, 1771..... 231
To Inglis and Long, Merchants at Portsmouth, May 11, 1771..... 234

LETTERS WRITTEN BEFORE HIS MISSION TO EUROPE (1762–1784)—*Continued.*

PAGE

To Thomas Adams, June 1, 1771 235
To Robert Skipwith, Aug. 3, 1771 237
To Messrs. Inglis and Long, Merchants at Portsmouth, June 11, 1772 240
To William Fleming, May 19, 1773 241
To Francis Eppes, June 26, 1775 242
To Francis Eppes, July 4, 1775 244
To Francis Eppes, Oct. 10, 1775 245
To Francis Eppes, Oct. 24, 1775 247
To John Page, Oct. 31, 1775 248
To Francis Eppes, Nov. 7, 1775 250
To Francis Eppes, Nov. 21, 1775 251
To John Page, about Dec. 10, 1775 252
To Thomas Nelson, May 16, 1776 253
To William Fleming, July 1, 1776 256
To George Wythe, July, 1776 258
To Edmund Pendleton, July, 1776 259
To Francis Eppes, July 15, 1776 260
To the Governor of Virginia (Patrick Henry), July 16, 1776 263
To Colonel Fielding Lewis, July 16, 1776 265
To John Page, July 20, 1776 266
To Francis Eppes, July 23, 1776 269
To John Page, Aug. 5, 1776 270
To Francis Eppes, Aug. 9, 1776 272
To ———, Aug. 13, 1776 275
To John Page, Aug. 20, 1776 280
To John Adams, May 16, 1777 286
To Richard Henry Lee, June 5, 1778 288
To Rev. Samuel Henley, June 9, 1778 290
To Richard Henry Lee, April 21, 1779 291
To Gabriel Jones, April 29, 1779 292
To William Fleming, June 8, 1779 293

LETTERS WRITTEN BEFORE HIS MISSION TO EUROPE (1762–1784)—*Continued.*

PAGE

To Theodorick Bland, Jr., June 8, 1779..... 295
To Richard Henry Lee, June 17, 1779..... 297
To Theodorick Bland, Jr., June 18, 1779..... 299
To General Baron De Riedesel, July 4, 1779..... 300
To the Governor of Canada (Sir Guy Carleton), July 22, 1779..... 301
To Colonel William Fleming, Aug. 7, 1779..... 310
To the County Lieutenant of Hampshire, Aug. 17, 1779 311
To the President of Congress (John Jay), Sept. 25, 1779 312
To Chevalier De La Luzerne, the French Minister, Nov. 10, 1779..... 312
To General Washington, April 10, 1780..... 314
To General Edward Stevens, July 19, 1780..... 316
To James Madison, July 26, 1780..... 316
To Major Wall, December 21, 1780..... 319
To ———, December 21, 1780..... 320
To Rowland Madison, December 24, 1780..... 322
To Major-General Baron Steuben, December 31, 1780. 323
To Brigadier-General Thomas Nelson, January 2, 1781 324
To Major-General Baron Steuben, January 2, 1781 325
To Colonel Francis Taylor, January 4, 1781..... 326
To Colonel Richard Meade, January 4, 1781..... 326
To Major-General Baron Steuben, Jan. 7, 1781... 328
To Major-General Baron Steuben, Jan. 7, 1781... 328
To Major-General Baron Steuben, Jan. 9, 1781... 330
To Colonel John Nicholas, Jan. 10, 1781..... 331
To Brigadier-General Thomas Nelson, January 12, 1781. 331
To Major-General Baron Steuben, Jan. 13, 1781.. 332

LETTERS WRITTEN BEFORE HIS MISSION TO EUROPE (1762–1784)—*Continued.*

PAGE

To Brigadier-General Thomas Nelson, January 15, 1781 335
To Jacob Wray, Jan. 15, 1781 335
To Brigadier-General Thomas Nelson, January 15, 1781 337
To Major-General Nathanael Greene, Jan. 16, 1781 338
To Abner Nash, Governor of North Carolina, Jan. 16, 1781 340
To Brigadier-General Thomas Nelson, Jan. 20, 1781 341
To Brigadier-General Thomas Nelson, Jan. 25, 1781 342
To the Virginia Delegates in Congress, January 26, 1781 344
To Benjamin Harrison, January 29, 1781 346
To Thomas Sim Lee, Governor of Maryland, Feb. 1, 1781 350
To Benjamin Harrison, Feb. 7, 1781 352
To Colonel Theodorick Bland, Feb. 9, 1781 353
To Major-General Nathanael Greene, February 10, 1781 354
To Brigadier-General George Rogers Clark, Feb. 13, 1781 355
To Brigadier-General Thomas Nelson, Feb. 16, 1781 356
To Major-General Nathanael Greene, Feb. 17, 1781 357
To Major-General Baron Steuben, Feb. 19, 1781 .. 358
To Brigadier-General George Rogers Clark, Feb. 19, 1781 359
To Major-General Baron Steuben, Feb. 20, 1781 .. 361
To Brigadier-General Thomas Nelson, Feb. 21, 1781 363
To Colonel James Innes, Feb. 22, 1781 364
To Major-General Baron Steuben, Feb. 24, 1781 .. 366

LETTERS WRITTEN BEFORE HIS MISSION TO EUROPE (1762–1784)—*Continued.* PAGE

To Brigadier-General Robert Lawson, Feb. 25,1781 367
To Mrs. William Byrd, March 1, 1781 368
To Major-General Marquis de Lafayette, March 2, 1781 370
To Colonel Edward Carrington, March 3, 1781 371
To Thomas Sim Lee, Governor of Maryland, March 6, 1781 373
To Major-General Baron Steuben, March 7, 1781 .. 375
To Major-General Marquis de Lafayette, March 8, 1781 376
To Major-General Baron Steuben, March 10, 1781 378
To Major-General Baron Steuben, March 10, 1781 381
To Major-General Marquis de Lafayette, March 10, 1781 383
To Major-General Marquis de Lafayette, March 12, 1781 384
To Major-General Marquis de Lafayette, March 12, 1781 386
To Major-General Marquis de Lafayette, March 14, 1781 387
To the Virginia Delegates in Congress, March 15, 1781 389
To Major-General Marquis de Lafayette, March 19, 1781 390
To Brigadier-General George Weedon, March 21, 1781 394
To Major-General Marquis de Lafayette, March 24, 1781 395
To Major-General Benedict Arnold, the Commanding Officer of the British Force at Portsmouth, March 24, 1781 399
To the Rev. James Madison and Robert Andrews, March 31, 1781. 400

LETTERS WRITTEN BEFORE HIS MISSION TO EUROPE (1762–1784)—*Continued.*

PAGE

To Major-General Nathanael Greene, April 1, 1781 401
To Rev. James Madison, April 8, 1781 402
To Major-General Baron Steuben, April 10, 1781 404
To Chevalier de La Luzerne, the French Minister, April 12, 1781 406
To Colonel Oliver Towles, April 14, 1781 409
To Colonels Skinner and Garrard, April 14, 1781 410
To Colonel James Innes, April 21, 1781 411
To Colonel Benjamin Harrison, April 22, 1781 413
To Major-General Baron Steuben, April 22, 1781 414
To Major-General Baron Steuben, April 24, 1781 415
To Colonel Vanmeter, April 27, 1781 417
To Major-General Baron Steuben, April 27, 1781 418
To Colonel James Innes, May 2, 1781 419
To Colonel Abraham Penn, May 4, 1781 421
To Major-General Marquis de Lafayette, May 14, 1781 423
To Major-General Marquis de Lafayette, May 31, 1781 426
To Francis Eppes, Jan. 14, 1783 429
To James Madison, February 7, 1783 430
To James Madison, February 14, 1783 435
To James Madison, May 7, 1783 440
To James Madison, June 17, 1783 443
To Charles Carter, Oct. 12, 1783 444
To Martha Jefferson, Nov. 28, 1783 446
To George Washington, April 6, 1784 448
To General Horatio Gates, May 7, 1784 450
To James Monroe, May 21, 1784 451
To Charles Thomson, May 21, 1784 454
To Benjamin Franklin, June 19, 1784 456
To James Madison, July 1, 1784 458

Facsimile Signatures of the Signers

(*Declaration of Independence*)

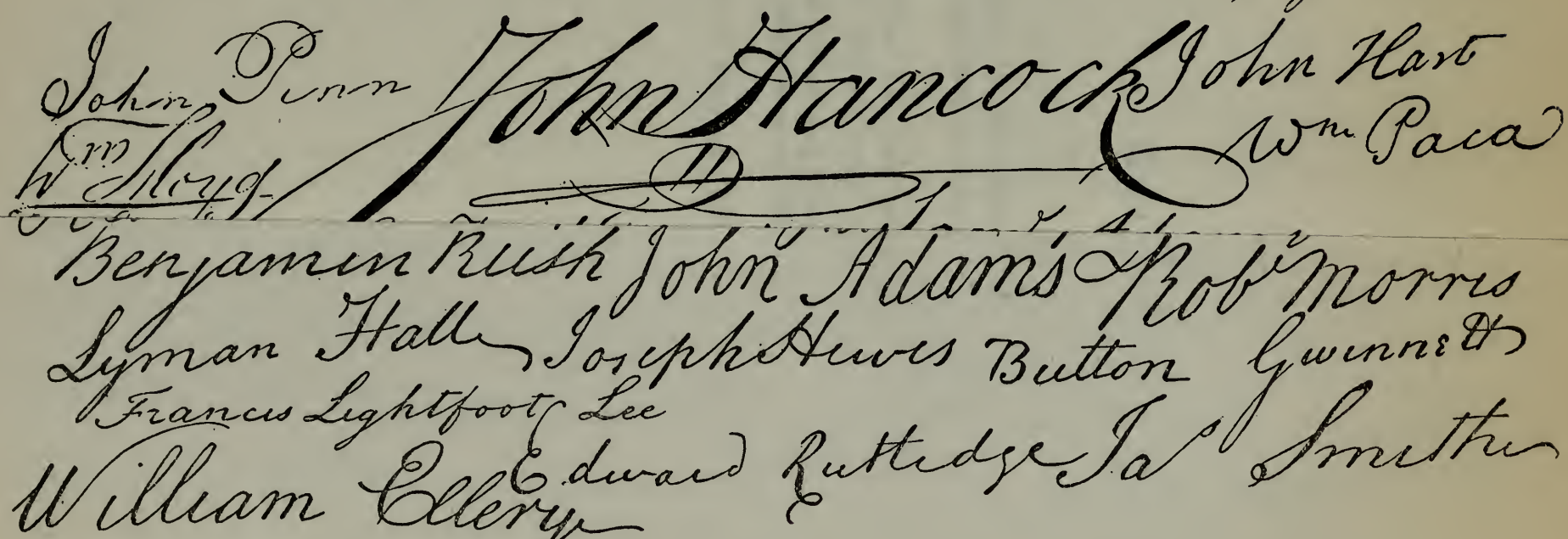
Photo-engraving from the Original Document in the Department of State

Facsimile Signatures of the Signers

(Declaration of Independence)

Photo-engraving from the Original Document in the Department of State

Fac-similes of the Signatures to the Declaration of Independence July 4 1776.



Department of State 19th April 1819. I Certify that this is a CORRECT Copy of the original Declaration of Independence deposited at this Department. and that I have compared all the signatures with those of the original. and have found them EXACT IMITATIONS. John Quincy Adams

Facsimile Signatures of the Signers

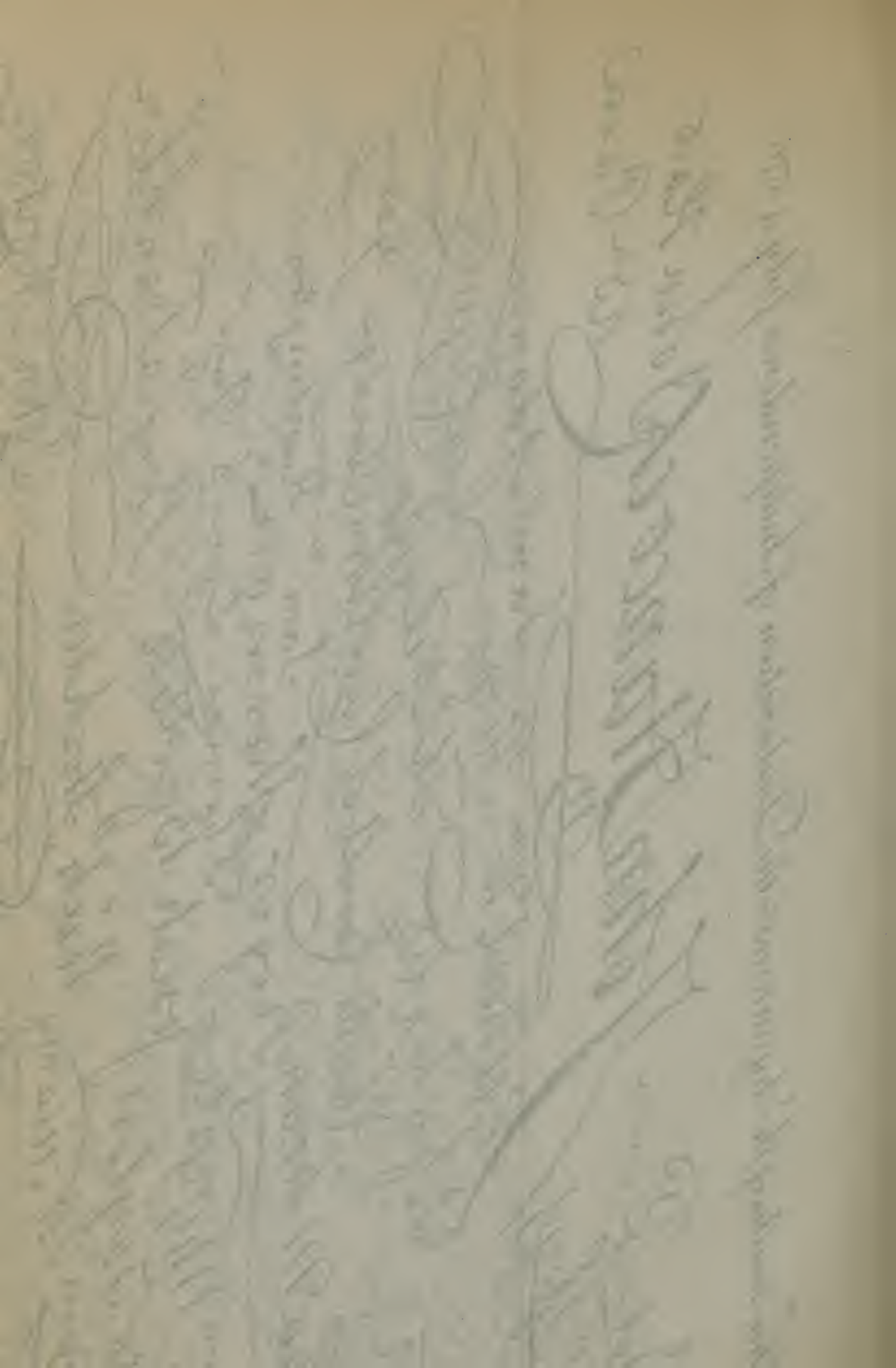
(Declaration of Independence)

Photo-engraving from the Original Document in the Department of State

Fac-similes of the Signatures to the Declaration of Independence July 4 1776.

John Penn
John Hancock
John Hart
Wm Floyd
Wm Paca
Geo Read
Wm Hooper
Sam Adams
Step Hopkins
Tho Nelson Jr
Geo Clymer
Charles Carroll of Carrollton
Elbridge Gerry
Tho M. Kean
Roger Sherman
Sam A Huntington
Wm Whipple
Thomas Lynch Junr
Josiah Bartlett
Geo Taylor
Benj Franklin
Wm Williams
Rich Stockton
John Morton
Oliver Wolcott
Jno Witherspoon
Geo Ross
Tho Stone
Samuel Chase
Robt Treat Paine
George Wythe
Matthew Thornton
Fran Lewis
Th Jefferson
Benj Harrison
Lewis Morris
Abra Clark
Thos Lynch
Caesar Rodney
Arthur Middleton
Fra Hopkinson
Geo Walton
Carter Braxton
James Wilson
Richard Henry Lee
Thos Stone
Geo Wythe Jun
Benjamin Rush
John Adams
Robt Morris
Lyman Hall
Joseph Hewes
Button Gwinnett
Francis Lightfoot Lee
Edward Rutledge
Jas Smith
William Ellery

Department of State 19th April 1819. I Certify that this is a CORRECT Copy of the original Declaration of Independence deposited at this Department and that I have compared all the signatures with those of the original and have found them EXACT IMITATIONS. John Quincy Adams



ILLUSTRATIONS.

FACING PAGE

JEFFERSON AT FIFTY-EIGHT..... x
Reproduced from the Original Painting by Gilbert Stuart.

FAC-SIMILES OF THE SIGNATURES OF THE SIGNERS OF THE DECLARATION OF INDEPENDENCE xx
Photo-engraving from the Original Document in the Department of State.

LETTER OF THOMAS JEFFERSON TO JOHN HARVEY 268

CORRESPONDENCE.

PART I.—BEFORE HIS MISSION TO EUROPE, 1762–1784.

" II.—WHILE IN EUROPE, 1784–1789.

" III.—AFTER HIS RETURN TO THE UNITED STATES TO HIS DEATH, 1789–1826.

JEFFERSON'S CORRESPONDENCE.

THIS division of the work includes all the Correspondence, official and private, of Thomas Jefferson, from 1762 to his death in 1826, which possesses general interest or permanent public value. For the purpose of easy reference, it has been classified as follows:

PART I.—LETTERS WRITTEN BEFORE HIS MISSION TO EUROPE.—The letters included in this division, consist principally of the private correspondence of Jefferson's youth, and his official letters while Governor of Virginia. The former are interesting mainly as illustrating his character, his views, and his purposes in life. The latter, relating to the period of the invasion of Virginia, and the military operations in the South, possess no inconsiderable historical value. The second half of this volume (Vol. IV, pages 222 to 458) presents interesting letters, covering this period, which were not included in the Congressional edition of 1853.

PART II.—LETTERS WRITTEN WHILE IN EUROPE.—The letters included in this division, relate principally to the objects of his mission to Europe—his efforts to extend the commercial relations of this country with the European nations—the history of particular treaties of commerce—piratical depredations upon our commerce by the Barbary States—our Foreign Debt—our relations generally with Europe—the rise and progress of the French Revolution through its early stages—his views of the Confederation and the new Constitution—the political and social condition of Europe, etc., all interspersed with the reflections of Jefferson upon every variety of topic, literary, scientific, social, and political.

PART III.—LETTERS WRITTEN AFTER HIS RETURN TO THE UNITED STATES TO THE TIME OF HIS DEATH.—To the great majority of readers, this will be found to be much the most interesting division of the work, ranging, as it does, over the whole field of Literature, Philosophy, Science, Religion, Morals, History, and Politics, and embodying the mature views of Jefferson upon nearly all the great Constitutional questions which have arisen under our Government, and many of the most important problems which have agitated the world.

JEFFERSON'S WORKS.

LETTERS WRITTEN BEFORE HIS MISSION TO EUROPE.

1762–1784.

TO JOHN PAGE.

FAIRFIELD, December 25, 1762.

DEAR PAGE,—This very day, to others the day of greatest mirth and jollity, sees me overwhelmed with more and greater misfortunes than have befallen a descendant of Adam for these thousand years past, I am sure; and perhaps, after excepting Job, since the creation of the world. I think his misfortunes were somewhat greater than mine; for, although we may be pretty nearly on a level in other respects, yet, I thank my God, I have the advantage of brother Job in this, that Satan has not as yet put forth his hand to load me with bodily afflictions. You must know, dear Page, that I am now in a house surrounded with enemies, who take counsel together against my soul; and when I lay me down to rest, they say among themselves, come let us destroy him. I am sure if there is such a thing as a Devil in this world, he must have been here last night, and have had some hand in contriving what happened to me. Do you think

the cursed rats (at his instigation, I suppose) did not eat up my pocket-book, which was in my pocket, within a foot of my head? And not contented with plenty for the present, they carried away my jemmy-worked silk garters, and half a dozen new minuets I had just got, to serve, I suppose, as provision for the winter. But of this I should not have accused the Devil, (because, you know rats will be rats, and hunger, without the addition of his instigations, might have urged them to do this,) if something worse, and from a different quarter, had not happened. You know it rained last night, or if you do not know it, I am sure I do. When I went to bed, I laid my watch in the usual place, and going to take her up after I arose this morning, I found her in the same place, it's true, but *Quantum mutatus ab illo!* all afloat in water, let in at a leak in the roof of the house, and as silent and still as the rats that had eat my pocket-book. Now, you know, if chance had had anything to do in this matter, there were a thousand other spots where it might have chanced to leak as well as at this one, which was perpendicularly over my watch. But I'll tell you, it's my opinion that the Devil came and bored the hole over it on purpose. Well, as I was saying, my poor watch had lost her speech. I should not have cared much for this, but something worse attended it; the subtle particles of the water with which the case was filled, had, by their penetration, so overcome the cohesion of the particles of the paper, of which my dear picture and watch-paper were com-

posed, that, in attempting to take them out to dry them, good God! *Mens horret referre!* My cursed fingers gave them such a rent, as I fear I never shall get over. This, cried I, was the last stroke Satan had in reserve for me; he knew I cared not for anything else he could do to me, and was determined to try his last most fatal expedient. "*Multis fortunæ vulneribus percussus, huic uni me imparem sensi, et penitus succubui!*" I would have cried bitterly, but I thought it beneath the dignity of a man, and a man too, who had read των ουτων, τα μεν εφ'ήμιν, τα δ' εκ εφ'ήμιν. However, whatever misfortunes may attend the picture or lover, my hearty prayers shall be, that all the health and happiness which Heaven can send may be the portion of the original, and that so much goodness may ever meet with what may be most agreeable in this world, as I am sure it must be in the next. And now, although the picture be defaced, there is so lively an image of her imprinted in my mind, that I shall think of her too often, I fear, for my peace of mind; and too often, I am sure, to get through old Coke this winter; for God knows I have not seen him since I packed him up in my trunk in Williamsburg. Well, Page, I do wish the Devil had old Coke, for I am sure I never was so tired of an old dull scoundrel in my life. What! are there so few inquietudes tacked to this momentary life of ours, that we must need be loading ourselves with a thousand more? Or, as brother Job says, (who, by-the-bye, I think began to whine a little under his afflic-

tions,) "Are not my days few? Cease then, that I may take comfort a little before I go whence I shall not return, even to the land of darkness, and the shadow of death." But the old fellows say we must read to gain knowledge, and gain knowledge to make us happy and admired. *Mere jargon!* Is there any such thing as happiness in this world? No. And as for admiration, I am sure the man who powders most, perfumes most, embroiders most, and talks most nonsense, is most admired. Though to be candid, there are some who have too much good sense to esteem such monkey-like animals as these, in whose formation, as the saying is, the tailors and barbers go halves with God Almighty; and since these are the only persons whose esteem is worth a wish, I do not know but that, upon the whole, the advice of these old fellows may be worth following.

You cannot conceive the satisfaction it would give me to have a letter from you. Write me very circumstantially everything which happened at the wedding. Was she there? because, if she was, I ought to have been at the Devil for not being there too. If there is any news stirring in town or country, such as deaths, courtships, or marriages, in the circle of my acquaintance, let me know it. Remember me affectionately to all the young ladies of my acquaintance, particularly the Miss Burwells, and Miss Potters, and tell them that though that heavy earthly part of me, my body, be absent, the better half of me, my soul, is ever with them, and that my best wishes shall ever

attend them. Tell Miss Alice Corbin that I verily believe the rats knew I was to win a pair of garters from her, or they never would have been so cruel as to carry mine away. This very consideration makes me so sure of the bet, that I shall ask everybody I see from that part of the world what pretty gentleman is making his addresses to her. I would fain ask the favor of Miss Becca Burwell to give me another watch-paper of her own cutting, which I should esteem much more, though it were a plain round one, than the nicest in the world cut by other hands; however, I am afraid she would think this presumption, after my suffering the other to get spoiled. If you think you can excuse me to her for this, I should be glad if you would ask her. Tell Miss Sukey Potter that I heard, just before I came out of town, that she was offended with me about something, what it is I do not know; but this I know, that I never was guilty of the least disrespect to her in my life, either in word or deed; as far from it as it has been possible for one to be. I suppose when we meet next, she will be *endeavoring* to repay an imaginary affront with a real one; but she may save herself the trouble, for nothing that she can say or do to me shall ever lessen her in my esteem, and I am determined always to look upon her as the same honest-hearted, good-humored, agreeable lady I ever did. Tell—tell—in short, tell them all ten thousand things more than either you or I can now or ever shall think of as long as we live.

My mind has been so taken up with thinking of

my acquaintances, that, till this moment, I almost imagined myself in Williamsburg, talking to you in our old unreserved way; and never observed, till I turned over the leaf, to what an immoderate size I had swelled my letter; however, that I may not tire your patience by further additions, I will make but this one more, that I am sincerely and affectionately,

Dear Page, your friend and servant.

P. S. I am now within an easy day's ride of Shadwell, whither I shall proceed in two or three days.

TO JOHN PAGE.

SHADWELL, Jan. 20, 1763.

DEAR PAGE,—To tell you the plain truth, I have not a syllable to write to you about. For I do not conceive that anything can happen in my world which you would give a curse to know, or I either. All things here appear to me to trudge on in one and the same round: we rise in the morning that we may eat breakfast, dinner and supper, and go to bed again that we may get up the next morning and do the same: so that you never saw two peas more alike than our yesterday and to-day. Under these circumstances, what would you have me say? Would you that I should write nothing but truth? I tell you I know nothing that is true. Or would you rather that I should write you a pack of lies? Why, unless they were more ingenious than I am able to

invent, they would furnish you with little amusement. What can I do then? nothing, but ask you the news in your world. How have you done since I saw you? How did Nancy look at you when you danced with her at Southall's? Have you any glimmering of hope? How does R. B. do? Had I better stay here and do nothing, or go down and do less? or, in other words, had I better stay here while I am here, or go down that I may have the pleasure of sailing up the river again in a full-rigged flat? Inclination tells me to go, receive my sentence, and be no longer in suspense; but reason says, if you go, and your attempt proves unsuccessful, you will be ten times more wretched than ever. In my last to you, dated Fairfield, Dec. 25, I wrote to you of the losses I had sustained; in the present I may mention one more, which is the loss of the whites of my eyes, in the room of which I have got reds, which gives me such exquisite pain that I have not attempted to read anything since a few days after Jack Walker went down, and God knows when I shall be able to do it. I have some thoughts of going to Petersburg, if the actors go there in May. If I do, I do not know but I may keep on to Williamsburg, as the birth night will be near. I hear that Ben Harrison has been to Wilton: let me know his success. Have you an inclination to travel, Page? because if you have, I shall be glad of your company. For you must know that as soon as the Rebecca (the name I intend to give the vessel above mentioned) is completely finished, I intend to hoist

sail and away. I shall visit particularly England, Holland, France, Spain, Italy, (where I would buy me a good fiddle,) and Egypt, and return through the British provinces to the Northward home. This to be sure, would take us two or three years, and if we should not both be cured of love in that time, I think the devil would be in it. After desiring you to remember me to acquaintances below, male and female, I subscribe myself,

Dear Page, your friend and servant.

TO JOHN PAGE.

SHADWELL, July 15th, 1763.

DEAR PAGE,—Yours of May 30th came safe to hand. The rival you mentioned I know not whether to think formidable or not, as there has been so great an opening for him during my absence. I say *has been*, because I expect there is one no longer. Since you have undertaken to act as my attorney, you advise me to go immediately and lay siege *in form*. You certainly did not think, at the time you wrote this, of that paragraph in my letter wherein I mentioned to you my resolution of going to Britain. And to begin an affair of that kind now, and carry it on so long a time in form, is by no means a proper plan. No, no, Page; whatever assurances I may give her in private of my esteem for her, or whatever assurances I may ask in return from her, depend on it—they must be kept in private. Necessity will oblige

me to proceed in a method which is not generally thought fair; that of treating with a ward before obtaining the approbation of her guardian. I say necessity will oblige me to it, because I never can bear to remain in suspense so long a time. If I am to succeed, the sooner I know it, the less uneasiness I shall have to go through. If I am to meet with a disappointment, the sooner I know it, the more of life I shall have to wear it off; and if I do meet with one, I hope in God, and verily believe, it will be the last. I assure you, that I almost envy you your present freedom; and if Belinda will not accept of my service, it shall never be offered to another. That she may, I pray most sincerely; but that she will, she never gave me reason to hope. With regard to my not proceeding in form, I do not know how she may like it. I am afraid not much. That her guardians would not, if they should know of it, is very certain. But I should think that if they were consulted after I return, it would be sufficient. The greatest inconvenience would be my not having the liberty of visiting so freely. This is a subject worth your talking over with her; and I wish you would, and would transmit to me your whole confab at length. I should be scared to death at making her so unreasonable a proposal as that of waiting until I return from Britain, unless she could first be prepared for it. I am afraid it will make my chance of succeeding considerably worse. But the event at last must be this, that if she consents, I shall be happy;

if she does not, I must *endeavor* to be as much so as possible. I have thought a good deal on your case, and as mine may perhaps be similar, I must endeavor to look on it in the same light in which I have often advised you to look on yours. Perfect happiness, I believe, was never intended by the Deity to be the lot of one of his creatures in this world; but that he has very much put in our power the nearness of our approaches to it, is what I have steadfastly believed.

The most fortunate of us, in our journey through life, frequently meet with calamities and misfortunes which may greatly afflict us; and, to fortify our minds against the attacks of these calamities and misfortunes, should be one of the principal studies and endeavors of our lives. The only method of doing this is to assume a perfect resignation to the Divine will, to consider that whatever does happen, must happen; and that, by our uneasiness, we cannot prevent the blow before it does fall, but we may add to its force after it has fallen. These considerations, and others such as these, may enable us in some measure to surmount the difficulties thrown in our way; to bear up with a tolerable degree of patience under this burthen of life; and to proceed with a pious and unshaken resignation, till we arrive at our journey's end, when we may deliver up our trust into the hands of him who gave it, and receive such reward as to him shall seem proportioned to our merit. Such, dear Page, will be the language of the

man who considers his situation in this life, and such should be the language of every man who would wish to render that situation as easy as the nature of it will admit. Few things will disturb him at all: nothing will disturb him much.

If this letter was to fall into the hands of some of our gay acquaintance, your correspondent and his solemn notions would probably be the subjects of a great deal of mirth and raillery, but to you, I think, I can venture to send it. It is in effect a continuation of the many conversations we have had on subjects of this kind; and I heartily wish we could now continue these conversations face to face. The time will not be very long now before we may do it, as I expect to be in Williamsburg by the first of October, if not sooner. I do not know that I shall have occasion to return, if I can rent rooms in town to lodge in; and to prevent the inconvenience of moving my lodgings for the future, I think to build: no castle though, I assure you; only a small house, which shall contain a room for myself and another for you, and no more, unless Belinda should think proper to favor us with her company, in which case I will enlarge the plan as much as she pleases. Make my compliments to her particularly, as also to Sukey Potter, Judy Burwell, and such others of my acquaintance as enquire after me. I am,

Dear Page, your sincere friend.

TO JOHN PAGE.

WILLIAMSBURG, October 7, 1763.

DEAR PAGE,—In the most melancholy fit that ever any poor soul was, I sit down to write to you. Last night, as merry as agreeable company and dancing with Belinda in the Apollo could make me, I never could have thought the succeeding sun would have seen me so wretched as I now am! I was prepared to say a great deal: I had dressed up, in my own mind, such thoughts as occurred to me, in as moving a language as I knew how, and expected to have performed in a tolerably creditable manner. But, good God! When I had an opportunity of venting them, a few broken sentences, uttered in great disorder, and interrupted with pauses of uncommon length, were the too visible marks of my strange confusion! The whole confab I will tell you, word for word, if I can, when I see you, which God send may be soon. Affairs at W. and M. are in the greatest confusion. Walker, M'Clurg and Wat Jones are expelled *pro tempore*, or, as Horrox softens it, rusticated for a month. Lewis Burwell, Warner Lewis, and one Thompson, have fled to escape flagellation. I should have excepted Warner Lewis, who came off of his own accord. Jack Walker leaves town on Monday. The court is now at hand, which I must attend constantly, so that unless you come to town, there is little probability of my meeting with you anywhere else. For God sake come. I am, dear Page, your sincere friend.

TO JOHN PAGE.

DEVILSBURG, January 19, 1764.

The contents of your letter have not a little alarmed me; and really, upon seriously weighing them with what has formerly passed between ——— and myself, I am somewhat at a loss what to conclude; your "*semper saltat, semper ridet, semper loquitur, semper solicitat,*" &c., appear a little suspicious, but good God! it is impossible! I told you our confab in the Apollo; but I believe I never told you that we had on another occasion. I then opened my mind more freely, and more fully. I mentioned the necessity of my going to England, and the delays which would consequently be occasioned by that. I said in what manner I should conduct myself till then, and explained my reasons, which appears to give that satisfaction I could have wished; in short, I managed in such a manner that I was tolerable easy myself, without doing anything which could give *αδνιλεβ'ς* friends the least umbrage, were the whole that passed to be related to them. I asked no question which would admit of a categorical answer; but I assured *αδνιλεβ* that such questions would one day be asked—in short, were I to have another interview with him, I could say nothing now which I did not say then; and were I, with a view of obtaining one, *licentiam solicitandi aliis, quibus degit postulare*, it would be previously necessary to go the rounds *cum custodibus;* and after all this, he could be in no other situation

than he is at present. After the proofs I have given of my sincerity, he can be under no apprehension of a change in my sentiments; and were I to do as my friends advise me, I would give no better security than he has at present. He is satisfied that I shall make him an offer, and if he intends to accept of it, he will disregard those made by others; my fate depends on αδνιλεβ'ς present resolutions, by them I must stand or fall—if they are not favorable to me, it is out of my power to say anything to make them so which I have not said already; so that a visit could not possibly be of the least weight, and it is, I am sure, what he does not in the least expect. I hear you are courting F——y B——l, but shall not listen to it till I hear it from you. When I was up the country, I wrote a letter to you, dated Fairfield, Dec. 25, 1763; let me know if you have received such a one. As I suppose you do not use your Statutes of Britain, if you can lend them to me, till I can provide myself with a copy, it will infinitely oblige me. Adieu, dear Page.

TO GOVERNOR PAGE.

DEVILSBURG,[1] January 23, 1764.

DEAR PAGE,—I received your letter of Wednesday, the 18th instant; in that, of this day, you mention one which you wrote last Friday, and sent by the

[1] From this designation of the ancient metropolis, it would seem even then to have been no favorite with him.

Secretary's boy; but I have neither seen nor heard of such a one. God send mine of January 19 to you may not have shared the same fate; for, by your letter, I am uncertain whether you have received it or not; you therein say, "you hope to have received an answer from me by this time," by which I judge it has miscarried; but you mention mine of December 25th, which put me in spirits again, as I do not know how you should have got intelligence that I had wrote such a one, unless you had seen my letter of Jan. 19, in which it was mentioned—yes, there is one other way by which you might have received such intelligence. My letter of Jan. 19 may have been opened, and the person who did it may have been further incited by curiosity, to ask you if you had received such a letter as they saw mentioned therein; but God send, and I hope this is not the case. Sukey Potter, to whom I sent it, told me yesterday she delivered it to Mr. T. Nelson, the younger, who had delivered it to you—I hope with his own hand. I wish I had followed your example, and wrote it in Latin, and that I had called my dear *campana in die*,[1] instead of *αδνιλεβ*.

We must fall on some scheme of communicating

[1] The lady here alluded to is manifestly the Miss Rebecca Burwell mentioned in his first letter; but what suggested the quaint designations of her is not so obvious. In the first of them, Belinda, translated into dog Latin, which was there, as elsewhere, among the *facetiæ* of young collegians, became *campana in die*, that is *bell in day*. In the second, the name is reversed, and becomes *adnileb*, which, for further security, is written in Greek characters, and the lady spoken of in the masculine gender.

our thoughts to each other, which shall be totally unintelligible to every one but to ourselves. I will send you some of these days Shelton's Tachygraphical Alphabet, and directions. Jack Walker is engaged to Betsey Moore, and desired all his brethren might be made acquainted with his happiness. But I hear he will not be married this year or two. Put *campana in die* in mind of me; tell him I think as I always did. I have sent my horses up the country, so that it is out of my power to take even an airing on horseback at any time. My paper holds out no longer, so must bid you adieu.

TO JOHN PAGE.

DEVILSBURG, April 9, 1764.

DEAR PAGE,—This letter will be conveyed to you by the assistance of our friend Warner Lewis. Poor fellow! never did I see one more sincerely captivated in my life. He walked to the Indian camp with her yesterday, by which means he had an opportunity of giving her two or three love squeezes by the hand; and, like a true arcadian swain, has been so enraptured ever since, that he is company for no one. B——y has at last bestowed her hand on B——d; and whether it was for money, beauty, or principle, will be so nice a dispute, that no one will venture to pronounce. Two days before the wedding I was not a little surprised, on going to the door at my house, to see him alight from his horse. He stepped up to

me, and desired the favor of me to come to Mr. Yates' at such a time. It was so unexpected, that for some time I could make no reply; at last, I said "yes," and turned about and walked back into my room. I accordingly attended, and to crown the joke, when I got there, was dubbed a bridesman. There were many other curious circumstances too tedious to mention here. Jack Walker is expected in town to-morrow. How does your pulse beat after your trip to the Isle of Wight? What a high figure I should have cut, had I gone! When I heard who visited you there, I thought I had met with the narrowest escape in the world. I wonder how I should have behaved—I am sure I should have been at a great loss. If your mistress can spare you a little time, your friends here would be very glad to see you, particularly Small and myself, as everything is now ready for taking the height of this place above the water of the creeks. Fleming's relapse will justly afford you great matter of triumph, after rallying you so much on being in love.

Adieu, dear Page.

P. S. Walker is just arrived—he goes out of town on Wednesday, and will return again in about three weeks.

TO JOHN PAGE.

CHARLOTTESVILLE, Feb. 21, 1770.

DEAR PAGE,—I am to acquaint Mrs. Page of the loss of my favorite pullet; the consequence of which

will readily occur to her. I promised also to give her some Virginia silk which I had expected, and I begin to wish my expectation may not prove vain. I fear she will think me but an ungainly acquaintance. My late loss may perhaps have reached you by this time; I mean the loss of my mother's house by fire, and in it of every paper I had in the world, and almost every book. On a reasonable estimate I calculate the *cost* of the books burned to have been £200 sterling. Would to God it had been the money, *then* had it never cost me a sigh! To make the loss more sensible, it fell principally on my books of Common Law, of which I have but one left, at that time lent out. Of papers too of every kind I am utterly destitute. All of these, whether public or private, of business or of amusement, have perished in the flames. I had made some progress in preparing for the succeeding General Court; and having as was my custom, thrown my thoughts into the form of notes, I troubled my head no more with them. These are gone, and like the baseless fabric of a vision, leave not a trace behind. The records also, and other papers which furnished me with states of the several cases, having shared the same fate, I have no foundation whereon to set out anew. I have in vain attempted to recollect some of them; the defect sometimes of one, sometimes of more circumstances, rendering them so imperfect that I can make nothing of them. What am I to do then in April? The resolution which the Court has

declared of admitting no continuances of causes seemed to be unalterable; yet it might surely be urged, that my case is too singular to admit of their being often troubled with the like excuse. Should it be asked, what are the misfortunes of an individual to a Court? The answer of a Court, as well as of an individual, if left to me, should be in the words of Terence, "*homo sum; humani nil a me alienum puto*"—but a truce with this disagreeable subject.

Am I never more to have a letter from you? Why the devil don't you write? But I suppose you are always in the moon, or some of the planetary regions. I mean you are there in idea; and, unless you mend, you shall have my consent to be there *de facto;* at least, during the vacations of the Court and Assembly. If your spirit is too elevated to advert to sublunary subjects, depute my friend Mrs. Page to support your correspondences. Methinks I should, with wonderful pleasure, open and peruse a letter written by so fair, and (what is better) so friendly hands. If thinking much of you would entitle me to the civility of a letter, I assure you I merit a very long one. If this conflagration, by which I am burned out of a home, had come before I had advanced so far in preparing another, I do not know but I might have cherished some treasonable thoughts of leaving these my native hills; indeed I should be much happier were I nearer to Rosewell and Severn hills—however, the gods, I fancy, were

apprehensive that if we were placed together, we should pull down the moon, or play some such devilish prank with their works. I reflect often with pleasure on the philosophical evenings I passed at Rosewell in my last visits there. I was always fond of philosophy, even in its drier forms; but from a ruby lip, it comes with charms irresistible. Such a feast of sentiment must exhilarate and lengthen life, at least as much as the feast of the sensualist shortens it—in a word, I prize it so highly, that, if you will at any time collect the same *Belle Assemblée*, on giving me three days previous notice, I shall certainly repair to my place as a member of it. Should it not happen before I come down, I will carry Sally Nicholas in the green chair to Newquarter, where your periagua (how the —— should I spell that word?) will meet us, automaton-like, of its own accord. You know I had a wagon which moved itself—cannot we construct a boat then which shall row itself? *Amicus noster, Fons,*[1] *quo modo agit, et quid agit?* You may be all dead for anything we can tell here. I expect he will follow the good old rule of driving one passion out by letting another in. *Clavum clavo pangere* was your advice to me on a similar occasion. I hope you will watch his immersion as narrowly as if he were one of Jupiter's satellites; and give me immediate notice, that I may prepare a dish of advice. I do not mean, Madam, to advise him against it. On the contrary, I

[1] Probably Mr. William Fontaine, of Hanover county.

am become an advocate for the passion; for I too am *cælo tactus*, *Currus*[1] *bene se habet.* He speaks, thinks, and dreams of nothing but his young son. This friend of ours, Page, in a very small house, with a table, half a dozen chairs, and one or two servants, is the happiest man in the universe. Every incident in life he so takes as to render it a source of pleasure. With as much benevolence as the heart of man will hold, but with an utter neglect of the costly apparatus of life, he exhibits to the world a new phenomenon in philosophy—the Samian sage in the tub of the cynic. Name me sometimes *homunculo tuo*, not forgetting little *dic mendacium.* I am determined not to enter on the next page, lest I should extend this nonsense to the bottom of that also. *A dieu je vous commis*, not doubting his care of you both. TH: JEFFERSON.

TO CHAS. MCPHERSON.

ALBEMARLE, IN VIRGINIA, Feb. 25th, 1773.

DEAR SIR,—Encouraged by the small acquaintance which I had the pleasure of having contracted with you during your residence in this country, I take the liberty of making the present application to you. I understood you were related to the gentleman of your name (Mr. James McPherson), to whom the world is so much indebted for the elegant

[1] By this term, he no doubt designated Mr. Dabney Carr, his brother-in-law.

collection, arrangement, and translation of Ossian's poems. These pieces have been and will, I think, during my life, continue to be to me the sources of daily and exalted pleasures. The tender and the sublime emotions of the mind were never before so wrought up by the human hand. I am not ashamed to own that I think this rude bard of the North the greatest poet that has ever existed. Merely for the pleasure of reading his works, I am become desirous of learning the language in which he sung, and of possessing his songs in their original form. Mr. McPherson, I think, informs us he is possessed of the originals. Indeed, a gentleman has lately told me he had seen them in print; but I am afraid he has mistaken a specimen from Temora, annexed to some of the editions of the translation, for the whole works. If they are printed, it will abridge my request and your trouble, to the sending me a printed copy; but if there be more such, my petition is, that you would be so good as to use your interest with Mr. McPherson to obtain leave to take a manuscript copy of them, and procure it to be done. I would choose it in a fair, round hand, on fine paper, with a good margin, bound in parchments as elegantly as possible, lettered on the back, and marbled or gilt on the edges of the leaves. I would not regard expense in doing this. I would further beg the favor of you to give me a catalogue of the books written in that language, and to send me such of them as may be necessary for learning it. These

will, of course, include a grammar and dictionary. The cost of these, as well as the copy of Ossian, will be (for me), on demand, answered by Mr. Alexander McCaul, sometime of Virginia, merchant, but now of Glasgow, or by your friend Mr. Ninian Minzees, of Richmond, in Virginia, to whose care the books may be sent. You can, perhaps, tell me whether we may ever hope to see any more of those Celtic pieces published. Manuscript copies of any which are in print, it would at any time give me the greatest happiness to receive. The glow of one warm thought is to me worth more than money. I hear with pleasure from your friend that your path through life is likely to be smoothed by success. I wish the business and the pleasures of your situation would admit leisure now and then to scribble a line to one who wishes you every felicity, and would willingly merit the appellation of, dear sir,

Your friend and humble servant.

TO COL. A. CARY.

Dec. 9th, 1774.

Dear Sir,—As I mean to be a conscientious observer of the measures generally thought requisite for the preservation of our independent rights, so I think myself bound to account to my country for any act of mine which might wear an appearance of contravening them. I, therefore, take the liberty of stating to you the following matter, that through

your friendly intervention, it may be communicated to the committee of your county. You may remember that it was about the last of May that the House of Burgesses, after its dissolution, met in Raleigh, and formed our first association against the future use of tea only; tho' the proceedings of the ministry against the town of Boston were then well known to us.

I believe nobody thought at that time of extending our association further, to the total interruption of our commerce with Britain; or, if it was proposed by any (which I don't recollect), it was condemned by the general sense of the members who formed that association. Two or three days, therefore, after this, I wrote to Cary & Co., of London, for fourteen pairs of sash windows, to be sent to me ready made and glazed, with a small parcel of spare glass to mend with. This letter went by a ship, which sailed about the third of June, just before Power arrived here. I did not suppose they would send them till Power should come in again in the spring of 1775.

About the middle of June, as nearly as I can recollect, a few of the late members were again convened (in consequence of fresh advices from Boston), and then it was suggested that a more extensive association might be necessary. A convention met for that purpose the first of August, and formed a new association, of which I received a copy about the 11th of the month. But as a general Congress was then appointed to be held to reconsider the

same matters, and it was agreed that our association should be subject to any alteration that they might recommend, I did not write to countermand my order, thinking I should have sufficient time after the final determination of the Congress should be known, to countermand it before Power should sail in the spring. Accordingly, within a few days after receiving a copy of the general association, I wrote to Cary & Co. not to send the sashes and glass which I had ordered, and gave my letter to the care of a gentleman (Mr. Evans) just then going downward, who promised to send it out speedily; but three or four days after I received a letter from those gentlemen, dated August 29th, in which they inform me my window frames and glass are ready, but that it being necessary to detain them about a month to harden the puttying, they were not sent in that ship, but might be expected by the next ship afterwards. From this I conclude they may be near arriving at this time, in which case they will come under the 1st and 10th articles of the association. In order, therefore, that no proceeding of mine might give a handle for traducing our measures, I thought it better previously to lay before your committee, within whose ward they will probably be landed, a full state of the matter, by which it might be seen under what expectations I had failed to give an earlier countermand, and to show that, as they come under the prohibitions of the Continental association, (which, without the spirit of prophecy, could

not have been foretold when I ordered them,) so I mean they shall be subject to its condemnation. To your committee, therefore, if landed within their county, I submit the disposal of them, which shall be obeyed as soon as made known to their and your

Most humble servant.

Dec. 9th, 1774. A copy of this sent to Col. A. Cary, and another to Col. B. Harrison, by Mr. Marrei.

TO DR. WILLIAM SMALL.

May 7, 1775.

Dear Sir,—Within this week we have received the unhappy news of an action of considerable magnitude, between the King's troops and our brethren of Boston, in which it is said five hundred of the former, with the Earl of Percy, are slain. That such an action has occurred, is undoubted, though perhaps the circumstances may not have reached us with truth. This accident has cut off our last hope of reconciliation, and a phrensy of revenge seems to have seized all ranks of people. It is a lamentable circumstance, that the only mediatory power, acknowledged by both parties, instead of leading to a reconciliation his divided people, should pursue the incendiary purpose of still blowing up the flames, as we find him constantly doing, in every speech and public declaration. This may, perhaps,

be intended to intimidate into acquiescence, but the effect has been most unfortunately otherwise. A little knowledge of human nature, and attention to its ordinary workings, might have foreseen that the spirits of the people here were in a state, in which they were more likely to be provoked, than frightened, by haughty deportment. And to fill up the measure of irritation, a proscription of individuals has been substituted in the room of just trial. Can it be believed, that a grateful people will suffer those to be consigned to execution, whose sole crime has been the developing and asserting their rights? Had the Parliament possessed the power of reflection, they would have avoided a measure as impotent, as it was inflammatory. When I saw Lord Chatham's bill, I entertained high hope that a reconciliation could have been brought about. The difference between his terms, and those offered by our Congress, might have been accommodated, if entered on, by both parties, with a disposition to accommodate. But the dignity of Parliament, it seems, can brook no opposition to its power. Strange, that a set of men, who have made sale of their virtue to the Minister, should yet talk of retaining dignity! But I am getting into politics, though I sat down only to ask your acceptance of the wine, and express my constant wishes for your happiness.

TO JOHN RANDOLPH, ESQ.

MONTICELLO, August 25, 1775.

DEAR SIR,—I am sorry the situation of our country should render it not eligible to you to remain longer in it. I hope the returning wisdom of Great Britain will, ere long, put an end to this unnatural contest. There may be people to whose tempers and dispositions contention is pleasing, and who, therefore, wish a continuance of confusion, but to me it is of all states but one, the most horrid. My first wish is a restoration of our just rights; my second, a return of the happy period, when, consistently with duty, I may withdraw myself totally from the public stage, and pass the rest of my days in domestic ease and tranquillity, banishing every desire of ever hearing what passes in the world. Perhaps (for the latter adds considerably to the warmth of the former wish), looking with fondness towards a reconciliation with Great Britain, I cannot help hoping you may be able to contribute towards expediting this good work. I think it must be evident to yourself, that the Ministry have been deceived by their officers on this side of the water, who (for what purpose I cannot tell) have constantly represented the American opposition as that of a small faction, in which the body of the people took little part. This, you can inform them, of your own knowledge, is untrue. They have taken it into their heads, too, that we are cowards, and

shall surrender at discretion to an armed force. The past and future operations of the war must confirm or undeceive them on that head. I wish they were thoroughly and minutely acquainted with every circumstance relative to America, as it exists in truth. I am persuaded, this would go far towards disposing them to reconciliation. Even those in Parliament who are called friends to America, seem to know nothing of our real determinations. I observe, they pronounced in the last Parliament, that the Congress of 1774 did not mean to insist rigorously on the terms they held out, but kept something in reserve, to give up; and, in fact, that they would give up everything but the article of taxation. Now, the truth is far from this, as I can affirm, and put my honor to the assertion. Their continuance in this error may, perhaps, produce very ill consequences. The Congress stated the lowest terms they thought possible to be accepted, in order to convince the world they were not unreasonable. They gave up the monopoly and regulation of trade, and all acts of Parliament prior to 1764, leaving to British generosity to render these, at some future time, as easy to America as the interest of Britain would admit. But this was before blood was spilt. I cannot affirm, but have reason to think, these terms would not now be accepted. I wish no false sense of honor, no ignorance of our real intentions, no vain hope that partial concessions of right will be accepted, may induce the Ministry to trifle

with accommodation, till it shall be out of their power ever to accommodate. If, indeed, Great Britain, disjoined from her colonies, be a match for the most potent nations of Europe, with the colonies thrown into their scale, they may go on securely. But if they are not assured of this, it would be certainly unwise, by trying the event of another campaign, to risk our accepting a foreign aid, which, perhaps, may not be obtainable, but on condition of everlasting avulsion from Great Britain. This would be thought a hard condition, to those who still wish for re-union with their parent country. I am sincerely one of those, and would rather be in dependence on Great Britain, properly limited, than on any nation on earth, or than on no nation. But I am one of those, too, who, rather than submit to the rights of legislating for us, assumed by the British Parliament, and which late experience has shown they will so cruelly exercise, would lend my hand to sink the whole Island in the ocean.

If undeceiving the Minister, as to matters of fact, may change his disposition, it will, perhaps, be in your power, by assisting to do this, to render service to the whole empire, at the most critical time, certainly, that it has ever seen. Whether Britain shall continue the head of the greatest empire on earth, or shall return to her original station in the political scale of Europe, depends, perhaps, on the resolutions of the succeeding winter. God send they may be wise and salutary for us all. I shall be glad to

hear from you as often as you may be disposed to think of things here. You may be at liberty, I expect, to communicate some things, consistently with your honor, and the duties you will owe to a protecting nation. Such a communication among individuals, may be mutually beneficial to the contending parties. On this or any future occasion, if I affirm to you any facts, your knowledge of me will enable you to decide on their credibility; if I hazard opinions on the dispositions of men or other speculative points, you can only know they are my opinions. My best wishes for your felicity, attend you, wherever you go, and believe me to be assuredly,

Your friend and servant.

TO JOHN RANDOLPH, ESQ.

PHILADELPHIA, November 29, 1775.

DEAR SIR,—I am to give you the melancholy intelligence of the death of our most worthy Speaker, which happened here on the 22d of the last month. He was struck with an apoplexy, and expired within five hours.

I have it in my power to acquaint you, that the success of our arms has corresponded with the justice of our cause. Chambly and St. John's were taken some weeks ago, and in them the whole regular army in Canada, except about forty or fifty men. This day, certain intelligence has reached us, that

our General, Montgomery, is received into Montreal; and we expect, every hour, to be informed that Quebec has opened its arms to Colonel Arnold, who, with eleven hundred men, was sent from Boston up the Kennebec, and down the Chaudière river to that place. He expected to be there early this month. Montreal acceded to us on the 13th, and Carleton set out, with the shattered remains of his little army, for Quebec, where we hope he will be taken up by Arnold. In a short time, we have reason to hope, the delegates of Canada will join us in Congress, and complete the American union, as far as we wish to have it completed. We hear that one of the British transports has arrived at Boston; the rest are beating off the coast, in very bad weather. You will have heard, before this reaches you, that Lord Dunmore has commenced hostilities in Virginia. That people bore with everything, till he attempted to burn the town of Hampton. They opposed and repelled him, with considerable loss on his side, and none on ours. It has raised our countrymen into a perfect phrensy. It is an immense misfortune, to the whole empire, to have a King of such a disposition at such a time. We are told, and everything proves it true, that he is the bitterest enemy we have. His Minister is able, and that satisfies me that ignorance or wickedness, somewhere, controls him. In an earlier part of this contest, our petitions told him, that from our King there was but one appeal. The admonition

was despised, and that appeal forced on us. To undo his empire, he has but one truth more to learn; that, after colonies have drawn the sword, there is but one step more they can take. That step is now pressed upon us, by the measures adopted, as if they were afraid we would not take it. Believe me, dear Sir, there is not in the British empire a man who more cordially loves a union with Great Britain than I do. But by the God that made me, I will cease to exist before I yield to a connection on such terms as the British Parliament propose; and in this, I think I speak the sentiments of America. We want neither inducement nor power, to declare and assert a separation. It is will, alone, which is wanting, and that is growing apace under the fostering hand of our King. One bloody campaign will probably decide, everlastingly, our future course; and I am sorry to find a bloody campaign is decided on. If our winds and waters should not combine to rescue their shores from slavery, and General Howe's reinforcements should arrive in safety, we have hopes he will be inspirited to come out of Boston and take another drubbing; and we must drub him soundly, before the sceptred tyrant will know we are not mere brutes, to crouch under his hand, and kiss the rod with which he designs to scourge us,

Yours, &c.

TO RICHARD HENRY LEE.

PHILADELPHIA, July 8, 1776.

DEAR SIR,—For news, I refer you to your brother, who writes on that head. I enclose you a copy of the Declaration of Independence, as agreed to by the House, and also as originally framed. You will judge whether it is the better or worse for the critics. I shall return to *Virginia* after the 11th of *August*. I wish my successor may be certain to come before that time; in that case I shall hope to see you, and not *Wythe*, in Convention, that the business of Government, which is of everlasting concern, may receive your aid.

Adieu, and believe me to be your friend and servant.

TO DR. BENJAMIN FRANKLIN, PARIS.

VIRGINIA, August 13, 1777.

HONORABLE SIR,—I forbear to write you news, as the time of Mr. Shore's departure being uncertain, it might be old before you receive it, and he can, in person, possess you of all we have. With respect to the State of Virginia in particular, the people seem to have laid aside the monarchical, and taken up the republican government, with as much ease as would have attended their throwing off an old, and putting on a new suit of clothes. Not a single throe has attended this important transformation. A half-dozen aristocratical gentlemen, agonizing

under the loss of pre-eminence, have sometimes ventured their sarcasms on our political metamorphosis. They have been thought fitter objects of pity, than of punishment. We are, at present, in the complete and quiet exercise of well-organized government, save only that our courts of justice do not open till the fall. I think nothing can bring the security of our continent and its cause into danger, if we can support the credit of our paper. To do that, I apprehend, one of two steps must be taken. Either to procure free trade by alliance with some naval power able to protect it; or, if we find there is no prospect of that, to shut our ports totally, to all the world, and turn our colonies into manufactories. The former would be most eligible, because most conformable to the habits and wishes of our people. Were the British Court to return to their senses in time to seize the little advantage which still remains within their reach, from this quarter, I judge, that, on acknowledging our absolute independence and sovereignty, a commercial treaty beneficial to them, and perhaps even a league of mutual offence and defence, might, not seeing the expense or consequences of such a measure, be approved by our people, if nothing, in the mean time, done on your part, should prevent it. But they will continue to grasp at their desperate sovereignty, till every benefit short of that is forever out of their reach. I wish my domestic situation had rendered it possible for me to join you in the very

honorable charge confided to you. Residence in a polite Court, society of literati of the first order, a just cause and an approving God, will add length to a life for which all men pray, and none more than

Your most obedient and humble servant.

TO JOHN ADAMS.

ALBEMARLE, VIRGINIA, Aug. 21, 1777.

DEAR SIR,—Your favor of May 26th came safely to hand. I wish it were in my power to suggest any remedy for the evil you complain of; though, did any occur, I should propose it to you with great diffidence, after knowing you had thought on the subject yourself. There is indeed a fact which may not have come to your knowledge, out of which, perhaps, some little good may be drawn. The borrowing money in Europe, or obtaining credit there for necessaries, has already probably been essayed, and it is supposed with some degree of success. But I expect your applications have as yet been made only to France, Holland, or such other States as are of principal note. There is, however, a small power well disposed to our cause, and, as I am informed, possessed of abilities to assist us in this way. I speak of the Grand Duke of Tuscany. The little States of Italy, you know, have had long peace, and show no disposition to interrupt that peace shortly. The Grand Duke, being somewhat avaricious in his nature, has availed himself of the opportunity of

collecting and hoarding what money he has been able to gather. I am informed from good authority (an officer who was concerned in the business of his treasury) that about three years ago he had ten millions of crowns lying dead in his coffers. Of this, it is thought possible as much might be borrowed as would amount to a million of pounds lawful money. At any rate, the attempt might be worth making. Perhaps an application from Dr. Franklin, who has some acquaintance in that court, might be sufficient; or as it might be prudent to sound well before the application, in order to prevent the discredit of a rebuff, perhaps Congress would think it worth while to send a special agent there to negotiate the matter. I think we have a gentleman here, who would do it with dexterity and fidelity. He is a native of that Duchy, well connected there, conversant in courts, of great understanding and equal zeal in our cause. He came over not long since to introduce the cultivation of vines, olives, &c., among us. Should you think the matter worth a further thought, either of the Cols. Lee's, to whom he is known, can acquaint you more fully of his character. If the money can be obtained in specie, it may be applied to reduce the quantity of circulating paper, and be so managed as to help the credit of that which will remain in circulation. If credit alone can be obtained for the manufactures of the country, it will still help us to clothe our armies, or to increase at market the necessaries our people want.

What upon earth can Howe mean by the manœuvre he is now practicing? There seems to me no object in this country which can be either of utility or reputation to his cause. I hope it will prove of a piece with all the other follies they have committed. The forming a junction with the northern army up the Hudson river, or taking possession of Philadelphia, might have been a feather in his cap, and given them a little reputation in Europe—the former as being the design with which they came, the latter as being a place of the first reputation abroad, and the residence of Congress. Here he may destroy the little hamlet of Williamsburg, steal a few slaves, and lose half his army among the fens and marshes of our lower country, or by the heat of the climate.

I am, dear sir, yours, &c.

TO ———.[1]

WILLIAMSBURG, VIRGINIA, June 8th, 1778.

SIR,—Your letter of September 15th, 1777, from Paris, comes safe to hand. We have not, however, had the pleasure of seeing Mr. De Crenis, the bearer of it, in this country, as he joined the army in Pennsylvania as soon as he arrived.

I should have taken particular pleasure in serving him on your recommendation. From the kind anxiety expressed in your letter, as well as from

[1] This letter has no address.

other sources of information, we discover that our enemies have filled Europe with Thrasonic accounts of victories they had never won and conquests they were fated never to make. While these accounts alarmed our friends in Europe, they afforded us diversions. We have long been out of all fear for the event of the war. I enclose you a list of the killed, wounded, and captives of the enemy from the commencement of hostilities at Lexington, in April, 1775, until November, 1777, since which time there has been no event of any consequence. This is the best history of the war which can be brought within the compass of a letter. I believe the account to be near the truth, though it is difficult to get at the numbers lost by an enemy with absolute precision. Many of the articles have been communicated to us from England as taken from the official returns made by their General. I wish it were in my power to send you as just an account of our loss. But this cannot be done without an application to the war office, which, being in another county, is at this time out of my reach. I think that upon the whole it has been about one-half the number lost by them; in some instances more, but in others less. This difference is ascribed to our superiority in taking aim when we fire; every soldier in our army having been intimate with his gun from his infancy. If there could have been a doubt before as to the event of the war, it is now totally removed by the interposition of France, and the generous

alliance she has entered into with us. Though much of my time is employed in the councils of America, I have yet a little leisure to indulge my fondness for philosophical studies.

I could wish to correspond with you on subjects of that kind. It might not be unacceptable to you to be informed, for instance, of the true power of our climate, discoverable from the thermometer, from the force and direction of the winds, the quantity of rain, the plants which grow without shelter in winter, &c. On the other hand, we should be much pleased with cotemporary observations on the same particulars in your country, which will give us a comparative view of the two climates. Fahrenheit's thermometer is the only one in use with us. I make my daily observations as early as possible in the morning, and again about four o'clock in the afternoon, generally showing the maxima of cold and heat in the course of 24 hours. I wish I could gratify your Botanical taste, but I am acquainted with nothing more than the first principles of that science; yet myself and my friends may furnish you with any Botanical subjects which this country affords, and are not to be had with you, and I shall take pleasure in procuring them when pointed out by you. The greatest difficulty will be the means of conveyance during the continuance of the war.

If there is a gratification, which I envy any people in this world, it is to your country its music. This

is the favorite passion of my soul, and fortune has cast my lot in a country where it is in a state of deplorable barbarism. From the line of life in which we conjecture you to be, I have for some time lost the hope of seeing you here. Should the event prove so, I shall ask your assistance in procuring a substitute, who may be a proficient in singing, &c., on the Harpsichord. I should be contented to receive such an one two or three years hence; when it is hoped he may come more safely and find here a greater plenty of those useful things which commerce alone can furnish.

The bounds of an American fortune will not admit the indulgence of a domestic band of musicians, yet I have thought that a passion for music might be reconciled with that economy which we are obliged to observe. I retain among my domestic servants a gardener, a weaver, a cabinet-maker, and a stonecutter, to which I would add a *vigneron*. In a country where, like yours, music is cultivated and practiced by every class of men, I suppose there might be found persons of these trades who could perform on the French horn, clarinet, or hautboy, and bassoon, so that one might have a band of two French horns, two clarinets, two hautboys, and a bassoon, without enlarging their domestic expenses. A certainty of employment for a half dozen years, and at the end of that time, to find them, if they chose, a conveyance to their own country, might induce them to come here on reasonable wages. Without meaning

to give you trouble, perhaps it might be practicable for you, in your ordinary intercourse with your people, to find out such men disposed to come to America. Sobriety and good nature would be desirable parts of their characters. If you think such a plan practicable, and will be so kind as to inform me what will be necessary to be done on my part, I will take care that it shall be done. The necessary expenses, when informed of them, I can remit before they are wanting, to any port in France, with which country alone we have safe correspondence. I am, Sir, with much esteem, your humble servant.

TO DAVID RITTENHOUSE.

MONTICELLO IN ALBEMARLE, VA., July 19, 1778.

DEAR SIR,—I sincerely congratulate you on the recovery of Philadelphia, and wish it may be found uninjured by the enemy. How far the interests of literature may have suffered by the injury, or removal of the Orrery, (as it is miscalled,) the public libraries, your papers and implements, are doubts which still excite anxiety. We were much disappointed in Virginia generally, on the day of the great eclipse, which proved to be cloudy.

In Williamsburg, where it was total, I understood only the beginning was seen. At this place, which is lat. 38° 8′, and longitude west from Williamsburg, about 1° 45′, as is conjectured, 11 digits only were supposed to be covered. It was not seen at all until the

moon had advanced nearly one-third over the sun's disc. Afterwards it was seen at intervals through the whole. The egress particularly was visible. It proved, however, of little use to me, for want of a time-piece that could be depended on, which circumstance, together with the subsequent restoration of Philadelphia to you, has induced me to trouble you with this letter, to remind you of your kind promise of making me an accurate clock, which, being intended for astronomical purposes only, I would have divested of all apparatus for striking, or for any other purpose, which, by increasing its complication, might disturb its accuracy. A companion to it for keeping seconds, and which might be moved easily, would greatly add to its value. The Theodolite, for which I also spoke to you, I can now dispense with, having since purchased a most excellent one.

TO JOHN PAGE.

WILLIAMSBURG, January 22, 1779.

DEAR PAGE,—I received your letter by Mr. Jamieson. It had given me much pain, that the zeal of our respective friends should ever have placed you and me in the situation of competitors. I was comforted, however, with the reflection, that it was their competition, not ours, and that the difference of the numbers which decided between us, was too insignificant to give you a pain, or me a pleasure, had our dispositions towards each other been such as to admit

those sensations. I know you too well to need an apology for anything you do, and hope you will forever be assured of this; and as to the constructions of the world, they would only have added one to the many sins for which they are to go to the devil. As this is the first, I hope it will be the last, instance of ceremony between us. A desire to see my family, which is in Charles City, carries me thither to-morrow, and I shall not return till Monday. Be pleased to present my compliments to Mrs. Page, and add this to the assurances I have ever given you, that I am, dear Page, your affectionate friend.

TO GEORGE WYTHE.

FOREST, March 1, 1779.

DEAR SIR,—Since I left you, I have reflected on the bill regulating the practising of attornies, and of our omitting to continue the practitioners at the County and General Courts separate. I think the bar of the General Court a proper and excellent nursery for future judges, if it be so regulated that science may be encouraged, and may live there. But this can never be if an inundation of insects is permitted to come from the county courts, and consume the harvest. These people, traversing the counties, seeing the clients frequently at their own courts, or, perhaps, at their own houses, must of necessity pick up all the business. The convenience of frequently seeing their counsel, without going from home, cannot

be withstood by the country people. Men of science, then, if there were to be any, would only be employed as auxiliary counsel in difficult cases. But can they live by that? Certainly not. The present members of that kind, therefore, must turn marauders in the county courts, and, in future, none will have leisure to acquire science. I should therefore be for excluding the county court attornies; or rather, for taking the general court lawyers from the incessant drudgery of the county courts and confining them to their studies, that they may qualify themselves as well to support their clients, as to become worthy successors to the bench. I hope to see the time when the election of judges of the Supreme Courts shall be restrained to the bars of the General Court and High Court of Chancery; for when I speak of the former above, I mean to include the latter. I should, even in our present bill, have no objection to inserting such a restriction to take place seven or fourteen years hence. Adieu.

TO HIS EXCELLENCY PATRICK HENRY.

ALBEMARLE, March 27, 1779.

SIR,—A report prevailing here, that in consequence of some powers from Congress, the Governor and Council have it in contemplation to remove the Convention troops,[1] either wholly or in part, from their present situation, I take the liberty of troubling

[1 The troops under Burgoyne, captured at Saratoga.]

you with some observations on that subject. The reputation and interest of our country, in general, may be affected by such a measure: it would, therefore, hardly be deemed an indecent liberty in the most private citizen, to offer his thoughts to the consideration of the Executive. The locality of my situation, particularly in the neighborhood of the present barracks, and the public relation in which I stand to the people among whom they are situated, together with a confidence which a personal knowledge of the members of the Executive gives me, that they will be glad of information from any quarter on a subject interesting to the public, induce me to hope that they will acquit me of impropriety in the present representation.

By an article in the Convention of Saratoga, it is stipulated, on the part of the United States, that the officers shall not be separated from their men. I suppose the term officers, includes *general* as well as *regimental* officers. As there are general officers who command all the troops, no part of them can be separated from these officers without a violation of the article: they cannot, of course, be separated from one another, unless the same general officer could be in different places at the same time. It is true, the article adds the words, "as far as circumstances will admit." This was a necessary qualification; because, in no place in America, I suppose, could there have been found quarters for both officers and men together; those for the officers to be according to

their rank. So far, then, as the circumstances of the place where they should be quartered, should render a separation necessary, in order to procure quarters for the officers, according to their rank, the article admits that separation. And these are the circumstances which must have been under the contemplation of the parties; both of whom, and all the world beside (who are ultimate judges in the case), would still understand that they were to be as near in the environs of the camp, as convenient quarters could be procured; and not that the qualification of the article destroyed the article itself, and laid it wholly at our discretion. Congress, indeed, have admitted of this separation; but are they so far lords of right and wrong as that our consciences may be quiet with their dispensation? Or is the case amended by saying they leave it optional in the Governor and Council to separate the troops or not? At the same time that it exculpates not them, it is drawing the Governor and Council into a participation in the breach of faith. If indeed it is only proposed, that a separation of the troops shall be referred to the consent of their officers; that is a very different matter. Having carefully avoided conversation with them on public subjects, I cannot say, of my own knowledge, how they would relish such a proposition. I have heard from others, that they will choose to undergo anything together, rather than to be separated, and that they will remonstrate against it in the strongest terms. The Executive,

therefore, if voluntary agents in this measure, must be drawn into a paper war with them, the more disagreeable, as it seems that faith and reason will be on the other side. As an American, I cannot help feeling a thorough mortification, that our Congress should have permitted an infraction of our public honor; as a citizen of Virginia, I cannot help hoping and confiding, that our Supreme Executive, whose acts will be considered as the acts of the Commonwealth, estimate that honor too highly to make its infraction their own act. I may be permitted to hope, then, that if any removal takes place, it will be a general one; and, as it is said to be left to the Governor and Council to determine on this, I am satisfied that, suppressing every other consideration, and weighing the matter dispassionately, they will determine upon this sole question, Is it for the benefit of those for whom they act, that the Convention troops should be removed from among them? Under the head of interest, these circumstances, viz., the expense of building barracks, said to have been £25,000, and of removing the troops backwards and forwards, amounting to, I know not how much, are not to be pretermitted, merely because they are Continental expenses; for we are a part of the Continent; we must pay a shilling of every dollar wasted. But the sums of money which, by these troops, or on their account, are brought into, and expended in this State, are a great and local advantage. This can require no proof. If, at the conclusion of the war,

for instance, our share of the Continental debt should be twenty millions of dollars, or say that we are called on to furnish an annual quota of two millions four hundred thousand dollars, to Congress, to be raised by tax, it is obvious that we should raise these given sums with greater or less ease, in proportion to the greater or less quantity of money found in circulation among us. I expect that our circulating money is, by the presence of these troops, at the rate of $30,000 a week, at the least. I have heard, indeed, that an objection arises to their being kept within this State, from the information of the commissary that they cannot be subsisted here. In attending to the information of that officer, it should be borne in mind that the county of King William and its vicinities are one thing, the territory of Virginia another. If the troops could be fed upon long letters, I believe the gentleman at the head of that department in this country, would be the best commissary upon earth. But till I see him determined to act, not to write; to sacrifice his domestic ease to the duties of his appointment, and apply to the resources of this country, wheresoever they are to be had, I must entertain a different opinion of him. I am mistaken if, for the animal subsistence of the troops hitherto, we are not principally indebted to the genius and exertions of Hawkins, during the very short time he lived after his appointment to that department, by your board. His eye immediately pervaded the whole State, it was reduced at once to a regular machine, to a sys-

tem, and the whole put into movement and animation by the fiat of a comprehensive mind. If the Commonwealth of Virginia cannot furnish these troops with bread, I would ask of the commissariat, which of the thirteen is now become the grain colony? If we are in danger of famine from the addition of four thousand mouths, what is become of that surplus of bread, the exportation of which used to feed the West Indies and Eastern States, and fill the colony with hard money? When I urge the sufficiency of this State, however, to subsist these troops, I beg to be understood, as having in contemplation the quantity of provisions necessary for their real use, and not as calculating what is to be lost by the wanton waste, mismanagement, and carelessness of those employed about it. If magazines of beef and pork are suffered to rot by slovenly butchering, or for want of timely provision and sale; if quantities of flour are exposed, by the commissaries entrusted with the keeping it, to pillage and destruction; and if, when laid up in the Continental stores, it is still to be embezzled and sold, the land of Egypt itself would be insufficient for their supply, and their removal would be necessary, not to a more plentiful country, but to more able and honest commissaries. Perhaps the magnitude of this question, and its relation to the whole State, may render it worth while to await the opinion of the National Council, which is now to meet within a few weeks. There is no danger of distress in the meantime, as the commissaries affirm they have a

great sufficiency of provisions for some time to come. Should the measure of removing them into another State be adopted, and carried into execution, before the meeting of Assembly, no disapprobation of theirs will bring them back, because they will then be in the power of others, who will hardly give them up.

Want of information as to what may be the precise measure proposed by the Governor and Council, obliges me to shift my ground, and take up the subject in every possible form. Perhaps, they have not thought to remove the troops out of this State altogether, but to some other part of it. Here, the objections arising from the expenses of removal, and of building new barracks, recur. As to animal food, it may be driven to one part of the country as easily as to another: that circumstance, therefore, may be thrown out of the question. As to bread, I suppose they will require about forty or forty-five thousand bushels of grain a year. The place to which it is to be brought to them, is about the centre of the State. Besides, that the country round about is fertile, all the grain made in the counties adjacent to any kind of navigation, may be brought by water to within twelve miles of the spot. For these twelve miles, wagons must be employed; I suppose half a dozen will be a plenty. Perhaps, this part of the expense might have been saved, had the barracks been built on the water; but it is not sufficient to justify their being abandoned now they are built. Wagonage, indeed, seems to the commissariat an article not

worth economising. The most wanton and studied circuity of transportation has been practised: to mention only one act, they have bought quantities of flour for these troops in Cumberland, have ordered it to be wagoned down to Manchester, and wagoned thence up to the barracks. This fact happened to fall within my own knowledge. I doubt not there are many more such, in order either to produce their total removal, or to run up the expenses of the present situation, and satisfy Congress that the nearer they are brought to the commissary's own bed, the cheaper they will be subsisted. The grain made in the western counties may be brought partly in wagons, as conveniently to this as to any other place; perhaps more so, on account of its vicinity to one of the best passes through the Blue Ridge; and partly by water, as it is near to James river, to the navigation of which, ten counties are adjacent above the falls. When I said that the grain might be brought hither from all the counties of the State adjacent to navigation, I did not mean to say it would be proper to bring it from all. On the contrary, I think the commissary should be instructed, after the next harvest, not to send one bushel of grain to the barracks from below the falls of the rivers, or from the northern counties. The counties on tide water are accessible to the calls for our own army. Their supplies ought, therefore, to be husbanded for them. The counties in the northwestern parts of the State are not only within reach for our own grand army, but

peculiarly necessary for the support of Macintosh's army; or for the support of any other northwestern expedition, which the uncertain conduct of the Indians should render necessary; insomuch, that if the supplies of that quarter should be misapplied to any other purpose, it would destroy, in embryo, every exertion, either for particular or general safety there. The counties above tide water, in the middle and southern and western parts of the country, are not accessible to calls for either of those purposes, but at such an expense of transportation as the article would not bear. Here, then, is a great field, whose supplies of bread cannot be carried to our army, or rather, which will raise no supplies of bread, because there is nobody to eat them. Was it not, then, wise in Congress to remove to that field four thousand idle mouths, who must otherwise have interfered with the pasture of our own troops? And, if they are removed to any other part of the country, will it not defeat this wise purpose? The mills on the waters of James river, above the falls, open to canoe navigation, are very many. Some of them are of great note, as manufacturers. The barracks are surrounded by mills. There are five or six round about Charlottesville. Any two or three of the whole might, in the course of the winter, manufacture flour sufficient for the year. To say the worst, then, of this situation, it is but twelve miles wrong. The safe custody of these troops is another circumstance worthy consideration. Equally removed from the access of an

eastern or western enemy; central to the whole State, so that, should they attempt an irruption in any direction, they must pass through a great extent of hostile country; in a neighborhood thickly inhabited by a robust and hardy people, zealous in the American cause, acquainted with the use of arms, and the defiles and passes by which they must issue: it would seem, that in this point of view, no place could have been better chosen.

Their health is also of importance. I would not endeavor to show that their lives are valuable to us, because it would suppose a possibility, that humanity was kicked out of doors in America, and interest only attended to. The barracks occupy the top and brow of a very high hill, (you have been untruly told they were in a bottom.) They are free from fog, have four springs which seem to be plentiful, one within twenty yards of the piquet, two within fifty yards, and another within two hundred and fifty, and they propose to sink wells within the piquet. Of four thousand people, it should be expected, according to the ordinary calculations, that one should die every day. Yet, in the space of near three months, there have been but four deaths among them; two infants under three weeks old, and two others by apoplexy. The officers tell me, the troops were never before so healthy since they were embodied.

But is an enemy so execrable, that, though in captivity, his wishes and comforts are to be disregarded and even crossed? I think not. It is for the benefit

of mankind to mitigate the horrors of war as much as possible. The practice, therefore, of modern nations, of treating captive enemies with politeness and generosity, is not only delightful in contemplation, but really interesting to all the world, friends, foes and neutrals. Let us apply this: the officers, after considerable hardships, have all procured quarters, comfortable and satisfactory to them. In order to do this, they were obliged, in many instances, to hire houses for a year certain, and at such exorbitant rents, as were sufficient to tempt independent owners to go out of them, and shift as they could. These houses, in most cases, were much out of repair. They have repaired them at a considerable expense. One of the general officers has taken a place for two years, advanced the rent for the whole time, and been obliged, moreover, to erect additional buildings for the accommodation of part of his family, for which there was not room in the house rented. Independent of the brick work, for the carpentry of these additional buildings, I know he is to pay fifteen hundred dollars. The same gentleman, to my knowledge, has paid to one person three thousand six hundred and seventy dollars for different articles to fix himself commodiously. They have generally laid in their stocks of grain and other provisions, for it is well known that officers do not live on their rations. They have purchased cows, sheep, &c., set in to farming, prepared their gardens, and have a prospect of comfort and quiet before them. To turn to the soldiers: the

environs of the barracks are delightful, the ground cleared, laid off in hundreds of gardens, each enclosed in its separate paling; these well prepared, and exhibiting a fine appearance. General Riedezel alone laid out upwards of two hundred pounds in garden seeds for the German troops only. Judge what an extent of ground these seeds would cover. There is little doubt that their own gardens will furnish them a great abundance of vegetables through the year. Their poultry, pigeons and other preparations of that kind, present to the mind the idea of a company of farmers, rather than a camp of soldiers. In addition to the barracks built for them by the public, and now very comfortable, they have built great numbers for themselves, in such messes as fancied each other; and the whole corps, both officers and men, seem now happy and satisfied with their situation. Having thus found the art of rendering captivity itself comfortable, and carried it into execution, at their own great expense and labor, their spirits sustained by the prospect of gratifications rising before their eyes, does not every sentiment of humanity revolt against the proposition of stripping them of all this, and removing them into new situations, where, from the advanced season of the year, no preparations can be made for carrying themselves comfortably through the heats of summer; and when it is known that the necessary advances for the conveniences already provided, have exhausted their funds and left them unable to make the like exertions anew. Again,

review this matter, as it may regard appearances. A body of troops, after staying a twelvemonth at Boston, are ordered to take a march of seven hundred miles to Virginia, where, it is said, they may be plentifully subsisted. As soon as they are there, they are ordered on some other march, because, in Virginia, it is said, they cannot be subsisted. Indifferent nations will charge this either to ignorance, or to whim and caprice; the parties interested, to cruelty. They now view the proposition in that light, and it is said, there is a general and firm persuasion among them, that they were marched from Boston with no other purpose than to harass and destroy them with eternal marches. Perseverance in object, though not by the most direct way, is often more laudable than perpetual changes, as often as the object shifts light. A character of steadiness in our councils, is worth more than the subsistence of four thousand people.

There could not have been a more unlucky concurrence of circumstances than when these troops first came. The barracks were unfinished for want of laborers, the spell of weather the worst ever known within the memory of man, no stores of bread laid in, the roads, by the weather and number of wagons, soon rendered impassable: not only the troops themselves were greatly disappointed, but the people in the neighborhood were alarmed at the consequences which a total failure of provisions might produce. In this worst state of things, their situation was seen

by many and disseminated through the country, so as to occasion a general dissatisfaction, which even seized the minds of reasonable men, who, if not affected by the contagion, must have foreseen that the prospect must brighten, and that great advantages to the people must necessarily arise. It has, accordingly, so happened. The planters, being more generally sellers than buyers, have felt the benefit of their presence in the most vital part about them, their purses, and are now sensible of its source. I have too good an opinion of their love of order to believe that a removal of these troops would produce any irregular proofs of their disapprobation, but I am well assured it would be extremely odious to them.

To conclude. The separation of these troops would be a breach of public faith, therefore I suppose it is impossible; if they are removed to another State, it is the fault of the commissaries; if they are removed to any other part of the State, it is the fault of the commissaries; and in both cases, the public interest and public security suffer, the comfortable and plentiful subsistence of our own army is lessened, the health of the troops neglected, their wishes crossed, and their comforts torn from them, the character of whim and caprice, or, what is worse, of cruelty, fixed on us as a nation, and, to crown the whole, our own people disgusted with such a proceeding.

I have thus taken the liberty of representing to

you the facts and the reasons, which seem to militate against the separation or removal of these troops. I am sensible, however, that the same subject may appear to different persons, in very different lights. What I have urged as reasons, may, to sounder minds, be apparent fallacies. I hope they will appear, at least, so plausible, as to excuse the interposition of

Your Excellency's most obedient and most humble servant,

TO HIS EXCELLENCY GENERAL WASHINGTON.

WILLIAMSBURG, June 23, 1779.

SIR,—I have the pleasure to enclose you the particulars of Colonel Clarke's success against St. Vincennes, as stated in his letter but lately received; the messenger, with his first letter, having been killed. I fear it will be impossible for Colonel Clarke to be so strengthened, as to enable him to do what he desires. Indeed, the express who brought this letter, gives us reason to fear St. Vincennes is in danger from a large body of Indians collected to attack it, and said, when he came from Kaskaskias, to be within thirty leagues of the place. I also enclose you a letter from Colonel Shelby, stating the effect of his success against the seceding Cherokees, and Chuccamogga. The damage done them, was killing half a dozen, burning eleven towns, twenty thousand bushels of corn, collected probably

to forward the expeditions which were to have been planned at the council which was to meet Governor Hamilton at the mouth of the Tennessee, and taking as many goods as sold for twenty-five thousand pounds. I hope these two blows coming together, and the depriving them of their head, will, in some measure, effect the quiet of our frontiers this summer. We have intelligence, also, t[illegible]t Colonel Bowman, from Kentucky, is in the midst of the Shawnee country, with three hundred men, and hope to hear a good account of him. The enclosed order, being in its nature important, and generally interesting, I think it proper to transmit it to you, with the reasons supporting it.[1] It will add much

[1] TO THE GOVERNOR OF VIRGINIA.

KASKASKIAS, ILLINOIS, April 29, 1779.

DEAR SIR,—A few days ago, I received certain intelligence of William Morris, my express to you, being killed near the falls of Ohio; news truly disagreeable to me, as I fear many of my letters will fall into the hands of the enemy, at Detroit, although some of them, as I learn, were found in the woods torn in pieces. I do not doubt but before the receipt of this, you will have heard of my late success against Governor Hamilton, at post St. Vincennes. That gentleman, with a body of men, possessed himself of that post on the 15th of December last, repaired the fortifications for a repository, and in the spring, meant to attack this place, which he made no doubt of carrying; where he was to be joined by two hundred Indians from Michilimackinac, and five hundred Cherokees, Chickasaws, and other nations. With this body, he was to penetrate up the Ohio to Fort Pitt, sweeping Kentucky on his way, having light brass cannon for the purpose, joined on his march by all the Indians that could be got to him. He made no doubt, that he could force all West Augusta. This expedition was ordered by the commander-in-chief of Canada. Destruction seemed to hover over us from every quarter; detached parties of the enemy were in the neighborhood every day, but afraid to attack. I ordered

to our satisfaction, to know it meets your approbation.

Major Bowman to evacuate the fort at the Cohas, and join me immediately, which he did. Having not received a scrape of a pen from you, for near twelve months, I could see but little probability of keeping possession of the country, as my number of men was too small to stand a siege, and my situation too remote to call for assistance. I made all the preparations I possibly could for the attack, and was necessitated to set fire to some of the houses in town, to clear them out of the way. But in the height of the hurry, a Spanish merchant, who had been at St. Vincennes, arrived, and gave the following intelligence: that Mr. Hamilton had weakened himself, by sending his Indians against the frontiers, and to block up the Ohio; that he had not more than eighty men in garrison, three pieces of cannon, and some swivels mounted; and that he intended to attack this place, as soon as the winter opened, and made no doubt of clearing the western waters by the fall. My situation and circumstances induced me to fall on the resolution of attacking him, before he could collect his Indians again. I was sensible the resolution was as desperate as my situation, but I saw no other probability of securing the country. I immediately despatched a small galley, which I had fitted up, mounting two four pounders and four swivels, with a company of men and necessary stores on board, with orders to force her way, if possible, and station herself a few miles below the enemy, suffer nothing to pass her, and wait for further orders. In the meantime, I marched across the country with one hundred and thirty men, being all I could raise, after leaving this place garrisoned by the militia. The inhabitants of the country behaved exceedingly well, numbers of young men turned out on the expedition, and every other one embodied to guard the different towns. I marched the 7th of February. Although so small a body, it took me sixteen days on the route. The inclemency of the season, high waters, &c., seemed to threaten the loss of the expedition. When within three leagues of the enemy, in a direct line, it took us five days to cross the drowned lands of the Wabash river, having to wade often, upwards of two leagues, to our breast in water. Had not the weather been warm, we must have perished. But on the evening of the 23d, we got on dry land, in sight of the enemy; and at seven o'clock, made the attack, before they knew anything of us. The town immediately surrendered with joy, and assisted in the siege. There was a continual fire on both sides, for eighteen hours. I had no expectation of gaining

I have the honor to be, with every sentiment of private respect and public gratitude,

Sir, your most obedient and most humble servant,

the fort until the arrival of my artillery. The moon setting about one o'clock, I had an entrenchment thrown up within rifle shot of their strongest battery, and poured such showers of well-directed balls into their ports, that we silenced two pieces of cannon in fifteen minutes, without getting a man hurt.

Governor Hamilton and myself had, on the following day, several conferences, but did not agree until the evening, when he agreed to surrender the garrison (seventy-nine in number) prisoners of war, with considerable stores. I got only one man wounded; not being able to lose many, I made them secure themselves well. Seven were badly wounded in the fort, through the ports. In the height of this action, an Indian party that had been to war, and taken two prisoners, came in, not knowing of us. Hearing of them, I despatched a party to give them battle in the commons, and got nine of them, with the two prisoners, who proved to be Frenchmen. Hearing of a convoy of goods from Detroit, I sent a party of sixty men, in armed boats well mounted with swivels, to meet them, before they could receive any intelligence. They met the convoy forty leagues up the river, and made a prize of the whole, taking forty prisoners and about ten thousand pounds worth of goods and provisions; also, the mail from Canada to Governor Hamilton, containing, however, no news of importance But what crowned the general joy, was the arrival of William Morris, my express to you, with your letters, which gave general satisfaction. The soldiery, being made sensible of the gratitude of their country for their services, were so much elated, that they would have attempted the reduction of Detroit, had I ordered them. Having more prisoners than I knew what to do with, I was obliged to discharge a greater part of them, on parole. Mr. Hamilton, his principal officers and a few soldiers, I have sent to Kentucky, under a convoy of Captain Williams, in order to be conducted to you. After despatching Morris with letters to you, treating with the neighboring Indians, &c., I returned to this place, leaving a sufficient garrison at St. Vincennes.

During my absence, Captain Robert George, who now commands the company formerly commanded by Captain Willing, had returned from New Orleans, which greatly added to our strength. It gave great satisfaction to the inhabitants, when acquainted with the protection which was given them, the alliance with France, &c. I am

P. S.—The distance of our northern and western counties, from the scene of southern service, and the necessity of strengthening our western quarter,

impatient for the arrival of Colonel Montgomery, but have heard nothing of him lately. By your instructions to me, I find you put no confidence in General M'Intosh's taking Detroit, as you encourage me to attempt it, if possible. It had been twice in my power. Had I been able to raise only five hundred men when I first arrived in the country, or when I was at St. Vincennes, could I have secured my prisoners, and only have had three hundred good men, I should have attempted it, and since learn there could have been no doubt of success, as by some gentlemen lately from that post, we are informed that the town and country kept three days in feasting and diversions, on hearing of my success against Mr. Hamilton, and were so certain of my embracing the fair opportunity of possessing myself of that post, that the merchants and others provided many necessaries for us on our arrival; the garrison, consisting of only eighty men, not daring to stop their diversions. They are now completing a new fort, and I fear too strong for any force I shall ever be able to raise in this country. We are proud to hear Congress intends putting their forces on the frontiers, under your direction. A small army from Pittsburg, conducted with spirit, may easily take Detroit, and put an end to the Indian war. Those Indians who are active against us, are the six nations, part of the Shawnese, the Meamonies, and about half the Chesaweys, Ottawas, Jowaas, and Pottawatimas nations, bordering on the lakes. Those nations who have treated with me, have behaved since very well; to wit, the Peankishaws, Kiccapoos, Orcaottenans of the Wabash river, the Kaskias, Perrians, Mechigamies, Foxes, Socks, Opays, Illinois and Poues, nations of the Mississippi and Illinois rivers. Part of the Chesaweys have also treated, and are peaceable. I continually keep agents among them, to watch their motions and keep them peaceably inclined. Many of the Cherokees, Chickasaws, and their confederates, are, I fear, ill disposed. It would be well if Colonel Montgomery should give them a dressing, as he comes down the Tennessee. There can be no peace expected from many nations, while the English are at Detroit. I strongly suspect they will turn their arms against the Illinois, as they will be encouraged. I shall always be on my guard, watching every opportunity to take the advantage of the enemy, and, if I am ever able to muster six or seven hundred men, I shall give them a shorter distance to come and fight me, than at this place.

have induced the Council to direct the new levies from the counties of Yohogania, Ohio, Monongalia, Frederick, Hampshire, Berkeley, Rockingham, and

There is one circumstance very distressing, that of our moneys being discredited, to all intents and purposes, by the great number of traders who come here in my absence, each outbidding the other, giving prices unknown in this country by five hundred per cent., by which the people conceived it to be of no value, and both French and Spaniards refused to take a farthing of it. Provision is three times the price it was two months past, and to be got by no other means than my own bonds, goods, or force. Several merchants are now advancing considerable sums of their own property, rather than the service should suffer, by which I am sensible they must lose greatly, unless some method is taken to raise the credit of our coin, or a fund be sent to Orleans, for the payment of the expenses of this place, which would at once reduce the price of every species of provision; money being of little service to them, unless it would pass at the ports they trade at. I mentioned to you, my drawing some bills on Mr. Pollock in New Orleans, as I had no money with me. He would accept the bills, but had not money to pay them off, though the sums were trifling; so that we have little credit to expect from that quarter. I shall take every step I possibly can, for laying up a sufficient quantity of provisions, and hope you will immediately send me an express with your instructions. Public expenses in this country, have hitherto been very low, and may still continue so, if a correspondence is fixed at New Orleans for payment of expenses in this country, or gold and silver sent. I am glad to hear of Colonel Todd's appointment. I think government has taken the only step they could have done, to make this country flourish, and be of service to them. No other regulation would have suited the people. The last account I had of Colonel Rogers, was his being in New Orleans, with six of his men. The rest he left at the Spanish Ozack, above the Natches. I shall immediately send him some provisions, as I learn he is in great want. I doubt, he will not be able to get his goods up the river except in Spanish bottoms. One regiment would be able to clear the Mississippi, and do great damage to the British interests in Florida, and, by properly conducting themselves, might perhaps gain the affection of the people, so as to raise a sufficient force to give a shock to Pensacola. Our alliance with France has entirely devoted this people to our interest. I have sent several copies of the articles to Detroit, and do not doubt but they will produce the desired effect.

Greenbrier, amounting to somewhat less than three hundred men, to enter into the ninth regiment at Pittsburg. The aid they may give there, will be

Your instructions I shall pay implicit regard to, and hope to conduct myself in such a manner as to do honor to my country.

I am, with the greatest respect, your humble servant,

G. R. Clarke.

P. S. I understand there is a considerable quantity of cannon ball at Pittsburg. We are much in want of four and six pound ball. I hope you will immediately order some down.

In Council, June 18, 1779.

The board proceeded to the consideration of the letters of Colonel Clarke, and other papers relating to Henry Hamilton, Esq., who has acted for some years past as Lieutenant Governor of the settlement at and about Detroit, and commandant of the British garrison there, under Sir Guy Carleton, as Governor-in-chief; Philip Dejean, justice of the peace for Detroit, and William Lamothe, captain of volunteers, prisoners of war, taken in the county of Illinois.

They find, that Governor Hamilton has executed the task of inciting the Indians to perpetrate their accustomed cruelties on the citizens of the United States, without distinction of age, sex, or condition, with an eagerness and avidity which evince, that the general nature of his charge harmonized with his particular disposition. They should have been satisfied, from the other testimony adduced, that these enormities were committed by savages acting under his commission; but the number of proclamations which, at different times, were left in houses, the inhabitants of which were killed or carried away by the Indians, one of which proclamations is in possession of the board, under the hand and seal of Governor Hamilton, puts this fact beyond a doubt. At the time of his captivity, it appears, he had sent considerable bodies of Indians against the frontier settlements of these States, and had actually appointed a great council of Indians, to meet him at Tennessee, to concert the operations of this present campaign. They find that his treatment of our citizens and soldiers, taken and carried within the limits of his command, has been cruel and inhuman; that in the case of John Dodge, a citizen of these States, which has been particularly stated to this board, he loaded him with irons, threw him

so immediate and important, and what they could do to the southward, would be so late, as, I hope, will apologise for their interference.

T. J.

into a dungeon, without bedding, without straw, without fire, in the dead of winter and severe climate of Detroit; that, in that state, he wasted him with incessant expectations of death: that when the rigors of his situation had brought him so low, that death seemed likely to withdraw him from their power, he was taken out and somewhat attended to, until a little mended, and before he had recovered ability to walk, was again returned to his dungeon, in which a hole was cut, seven inches square only, for the admission of air, and the same load of irons again put on him: that appearing, a second time, in imminent danger of being lost to them, he was again taken from his dungeon, in which he had lain from January till June, with the intermission of a few weeks only, before mentioned. That Governor Hamilton gave standing rewards for scalps, but offered none for prisoners, which induced the Indians, after making their captives carry their baggage into the neighborhood of the fort, there to put them to death, and carry in their scalps to the Governor, who welcomed their return and success by a discharge of cannon. That when a prisoner, brought alive, and destined to death by the Indians, the fire already kindled, and himself bound to the stake, was dexterously withdrawn, and secreted from them by the humanity of a fellow prisoner, a large reward was offered for the discovery of the victim, which having tempted a servant to betray his concealment, the present prisoner Dejean, being sent with a party of soldiers, surrounded the house, took and threw into jail the unhappy victim and his deliverer, where the former soon expired under the perpetual assurances of Dejean, that he was to be again restored into the hands of the savages; and the latter, when enlarged, was bitterly reprimanded by Governor Hamilton.

It appears to them, that the prisoner Dejean was on all occasions the willing and cordial instrument of Governor Hamilton, acting both as judge and keeper of the jails, and instigating and urging him, by malicious insinuations and untruths, to increase, rather than relax his severities, heightening the cruelty of his orders by his manner of executing them; offering at one time a reward to one man to be hangman for another, threatening his life on refusal, and taking from his

TO HIS EXCELLENCY GENERAL WASHINGTON.

WILLIAMSBURG, July 17, 1779.

SIR,—I some time ago, enclosed to you a printed copy of an order of Council, by which Governor

prisoners the little property their opportunities enabled them to acquire.

It appears that the prisoner Lamothe was a captain of the volunteer scalping parties of Indians and whites, who went, from time to time, under general orders to spare neither men, women, nor children. From this detail of circumstances, which arose in a few cases only, coming accidentally to the knowledge of the board, they think themselves authorized by fair deduction, to presume what would be the horrid history of the sufferings of the many who have expired under their miseries, (which, therefore, will remain forever untold,) or, who have escaped from them, and are yet too remote and too much dispersed, to bring together their well-founded accusations against the prisoners.

They have seen that the conduct of the British officers, civil and military, has in the whole course of this war been savage, and unprecedented among civilized nations; that our officers taken by them, have been confined in crowded jails, loathsome dungeons and prison ships, loaded with irons, supplied often with no food, generally with too little for the sustenance of nature, and that little sometimes unsound and unwholesome, whereby such numbers have perished, that captivity and death have with them been almost synonymous; that they have been transported beyond seas, where their fate is out of the reach of our inquiry, have been compelled to take arms against their country, and by a refinement in cruelty, to become murderers of their own brethren.

Their prisoners with us have, on the other hand, been treated with humanity and moderation; they have been fed, on all occasions, with wholesome and plentiful food, suffered to go at large within extensive tracts of country, treated with liberal hospitality, permitted to live in the families of our citizens, to labor for themselves, to acquire and enjoy profits, and finally to participate of the principal benefits of society, privileged from all burdens.

Reviewing this contrast, which cannot be denied by our enemies themselves, in a single point, and which has now been kept up during four years of unremitting war, a term long enough to produce well-

Hamilton was to be confined in irons, in close jail, which has occasioned a letter from General Phillips, of which the enclosed is a copy. The General seems to think that a prisoner on capitulation, cannot be put in close confinement, though his capitulation should not have provided against it. My idea was, that all persons taken in war, were to be deemed prisoners of war. That those who surrender on capitulation (or convention) are prisoners of war also, subject to the same treatment with those who surrender at discretion, except only so far as the terms of their capitulation or convention shall have guarded them. In the capitulation of Governor Hamilton (a copy of which I enclose), no stipulation is made as to the treatment of himself, or those taken with him. The Governor, indeed, when he signs, adds a flourish of reasons inducing him to capitulate, one of which is the generosity of his enemy. Generosity, on a large and comprehensive

founded despair that our moderation may ever lead them to the practice of humanity; called on by that justice we owe to those who are fighting the battles of our country, to deal out, at length, miseries to their enemies, measure for measure, and to distress the feelings of mankind by exhibiting to them spectacles of severe retaliation, where we had long and vainly endeavored to introduce an emulation in kindness; happily possessed, by the fortune of war, of some of those very individuals who, having distinguished themselves personally in this line of cruel conduct, are fit subjects to begin on, with the work of retaliation; this board has resolved to advise the Governor, that the said Henry Hamilton, Philip Dejean and William Lamothe, prisoners of war, be put in irons, confined in the dungeons of the public jail, debarred the use of pen, ink and paper, and excluded all converse, except with their keeper. And the Governor orders accordingly.

ARCH: BLAIR, C. C.

scale, seems to dictate the making a signal example of this gentleman; but waving that, these are the only private motives inducing him to surrender, and do not enter into the contract of Colonel Clarke. I have the highest idea of those contracts which take place between nation and nation, at war, and would be the last on earth to do anything in violation of them. I can find nothing in those books usually recurred to as testimonials of the law and usages of nature and nations, which convicts the opinions I have above expressed of error. Yet there may be such an usage as General Phillips seems to suppose, though not taken notice of by these writers. I am obliged to trouble your Excellency on this occasion, by asking of you information on this point. There is no other person, whose decision will so authoritatively decide this doubt in the public mind, and none with which I am disposed so implicitly to comply. If you shall be of opinion, that the bare existence of a capitulation, in the case of Governor Hamilton, privileges him from confinement, though there be no article to that effect in the capitulation, justice shall most assuredly be done him. The importance of this point, in a public view, and my own anxiety under a charge of violation of national faith by the Executive of this Commonwealth, will, I hope, apologise for my adding this to the many troubles with which I know you to be burdened. I have the honor to be, with the most profound respect,

Your Excellency's most obedient and most humble servant.

P. S. I have just received a letter from Colonel Bland, containing information of numerous desertions from the Convention troops, not less than four hundred in the last fortnight. He thinks he has reason to believe it is with the connivance of some of their officers. Some of these have been retaken, all of them going northwardly. They had provided themselves with forged passports, and with certificates of having taken the oath of fidelity to the State; some of them forged, others really given by weak magistrates. I give this information to your Excellency, as, perhaps, it may be in your power to have such of them intercepted as shall be passing through Pennsylvania and Jersey.

Your letter enclosing the opinion of the board of war in the case of Allison and Lee, has come safe to hand, after a long passage. It shall be answered by next post.

TO HIS EXCELLENCY GENERAL WASHINGTON.

WILLIAMSBURG, October 1, 1779.

SIR,—On receipt of your letter of August 6th, during my absence, the Council had the irons taken off the prisoners of war. When your advice was asked, we meant it should decide with us; and upon my return to Williamsburg, the matter was taken up and the enclosed advice given.[1] A parole was

[1] IN COUNCIL, September 29th, 1779.

The board having been, at no time, unmindful of the circumstances attending the confinement of Lieutenant Governor Hamilton, Captain

formed, of which the enclosed is a copy, and tendered to the prisoners. They objected to that part of it, which restrained them from *saying* anything to the prejudice of the United States, and insisted on "freedom of speech." They were, in consequence, remanded to their confinement in the jail, which must be considered as a voluntary one, until they can determine with themselves to be inoffensive in word as well as deed. A flag sails hence to-

Lamothe and Philip Dejean, which the personal cruelties of those men, as well as the general conduct of the enemy, had constrained them to advise: wishing, and willing to expect, that their sufferings may lead them to the practice of humanity, should any future turn of fortune, in their favor, submit to their discretion the fate of their fellow-creatures; that it may prove an admonition to others, meditating like cruelties, not to rely for impunity in any circumstances of distance or present security; and that it may induce the enemy to reflect, what must be the painful consequences, should a continuation of the same conduct on their part, impel us again to severities, while such multiplied subjects of retaliation are within our power: sensible that no impression can be made on the event of the war, by wreaking vengeance on miserable captives; that the great cause which has animated the two nations against each other, is not to be decided by unmanly cruelties on wretches, who have bowed their necks to the power of the victor, but by the exercise of honorable valor in the field: earnestly hoping that the enemy, viewing the subject in the same light, will be content to abide the event of that mode of decision, and spare us the pain of a second departure from kindness to our captives: confident that commiseration to our prisoners is the only possible motive to which can be candidly ascribed, in the present actual circumstances of the war, the advice we are now about to give; the board does advise the Governor to send Lieutenant Governor Hamilton, Captain Lamothe and Philip Dejean, to Hanover court-house, there to remain at large, within certain reasonable limits, taking the parole in the usual manner. The Governor orders accordingly. ARCH: BLAIR, C. C.

Ordered, that Major John Hay be sent, also, under parole, to the same place. ARCH: BLAIR, C. C.

morrow to New York, to negotiate the exchange of some prisoners. By her, I have written to General Phillips on this subject, and enclosed to him copies of the within; intending it as an answer to a letter I received from him on the subject of Governor Hamilton. I have the honor to be, Sir,

Your most obedient, and most humble servant.

TO HIS EXCELLENCY GENERAL WASHINGTON.

WILLIAMSBURG, Oct. 2, 1779.

SIR,—Just as the letter accompanying this was going off, Colonel Mathews arrived on parole from New York, by the way of head-quarters, bringing your Excellency's letter, on his subject, with that of the British commissary of prisoners. The subject is of great importance, and I must, therefore, reserve myself to answer after further consideration. Were I to speak from present impressions, I should say it was happy for Governor Hamilton, that a final determination of his fate was formed before this new information. As the enemy have released Captain Willing from his irons, the Executive of this State will be induced, perhaps, not to alter their former opinion. But it is impossible they can be serious in attempting to bully us in this manner. We have too many of their subjects in our power, and, too much iron to clothe them with, and I will add, too much resolution to avail ourselves of both, to fear their pretended retaliation. However, I will do myself the

honor of forwarding to your Excellency the ultimate result of Council on this subject.

In consequence of the information in the letter from the British commissary of prisoners, that no officers of the Virginia line should be exchanged till Governor Hamilton's affair should be settled, we have stopped our flag, which was just hoisting anchor with a load of privates for New York. I must, therefore, ask the favor of your Excellency to forward the enclosed by flag, when an opportunity offers, as I suppose General Phillips will be in New York before it reaches you. I have the honor to be, Sir, with the greatest esteem,

Your most obedient, and most humble servant.

TO HIS EXCELLENCY GENERAL WASHINGTON.

IN COUNCIL, Oct. 8, 1779.

SIR,—In mine of the second of the present month, written in the instant of Colonel Mathews' delivery of your letter, I informed you what had been done on the subject of Governor Hamilton and his companions, previous to that moment. I now enclose you an advice of Council,[1] in consequence of the

[1] IN COUNCIL, October 8th, 1779.

The Governor is advised to take proper and effectual measures for knowing, from time to time, the situation and treatment of our prisoners by the enemy, and to extend to theirs, with us, a like treatment, in every circumstance; and, also, to order to a proper station, the prison ship fitted up on recommendation from Congress, for the reception and confinement of such prisoners of war as shall be sent to it.

ARCH: BLAIR, C. C.

letter you were pleased to enclose me, from the British commissary of prisoners, with one from Lord Rawdon; also a copy of my letter to Colonel Mathews, enclosing, also, the papers therein named. The advice of Council to allow the enlargement of prisoners, on their giving a proper parole, has not been recalled, nor will be, I suppose, unless something on the part of the enemy should render it necessary. I rather expect, however, that they will see it their interest to discontinue this kind of conduct. I am afraid I shall hereafter, perhaps, be obliged to give your Excellency some trouble in aiding me to obtain information of the future usage of our prisoners. I shall give immediate orders for having in readiness every engine which the enemy have contrived for the destruction of our unhappy citizens, captured by them. The presentiment of these operations is shocking beyond expression. I pray heaven to avert them; but nothing in this world will do it, but a proper conduct in the enemy. In every event, I shall resign myself to the hard necessity under which I shall act.

I have the honor to be, with great regard and esteem, your Excellency's most obedient, and most humble servant.

TO COLONEL MATHEWS.

IN COUNCIL, October, 1779.

SIR,—The proceedings respecting Governor Hamilton and his companions, previous to your arrival

here, you are acquainted with. For your more precise information, I enclose you the advice of Council, of June the 16th, of that of August the 28th, another of September the 19th, on the parole tendered them the 1st instant, and Governor Hamilton's letter of the same day, stating his objections, in which he persevered: from that time his confinement has become a voluntary one. You delivered us your letters the next day, when the post being just setting out, much business prevented the Council from taking them into consideration. They have this day attended to them, and found their resolution expressed in the enclosed advice, bearing date this day. It gives us great pain that any of our countrymen should be cut off from the society of their friends and tenderest connections, while it seems as if it was in our power to administer relief. But we trust to their good sense for discerning, and their spirit for bearing up against the fallacy of this appearance. Governor Hamilton and his companions were imprisoned and ironed, 1st. In retaliation for cruel treatment of our captive citizens by the enemy in general. 2d. For the barbarous species of warfare which himself and his savage allies carried on in our western frontier. 3d. For particular acts of barbarity, of which he himself was personally guilty, to some of our citizens in his power. Any one of these charges was sufficient to justify the measures we took. Of the truth of the first, yourselves are witnesses. Your situation, indeed, seems

to have been better since you were sent to New York; but reflect on what you suffered before that, and knew others of your countrymen to suffer, and what you know is now suffered by that more unhappy part of them who are still confined on board the prison ships of the enemy. Proofs of the second charge, we have under Hamilton's own hand; and of the third, as sacred assurances as human testimony is capable of giving. Humane conduct on our part was found to produce no effect; the contrary, therefore, was to be tried. If it produces a proper lenity to our citizens in captivity, it will have the effect we meant; if it does not, we shall return a severity as terrible as universal. If the causes of our rigor against Hamilton were founded in truth, that rigor was just, and would not give right to the enemy to commence any new hostilities on their part; and all such new severities are to be considered, not as retaliation, but as original and unprovoked. If those causes were not founded in truth, they should have denied them. If, declining the tribunal of truth and reason, they choose to pervert this into a contest of cruelty and destruction, we will contend with them in that line, and measure out misery to those in our power, in that multiplied proportion which the advantage of superior numbers enables us to do. We shall think it our particular duty, after the information we gather from the papers which have been laid before us, to pay very constant attention to your situation and that of your fellow prisoners. We hope that the

prudence of the enemy will be your protection from injury; and we are assured that your regard for the honor of your country, would not permit you to wish we should suffer ourselves to be bullied into an acquiescence, under every insult and cruelty they may choose to practice, and a fear to retaliate, lest you should be made to experience additional sufferings. Their officers and soldiers, in our hands are pledges for your safety: we are determined to use them as such. Iron will be retaliated by iron, but a great multiplication on distinguished objects: prison ships by prison ships, and like for like in general. I do not mean by this to cover any officer who has acted, or shall act improperly. They say Captain Willing was guilty of great cruelties at the Natches; if so, they do right in punishing him. I would use any powers I have, for the punishment of any officer of our own, who should be guilty of excesses unjustifiable under the usages of civilized nations. However, I do not find myself obliged to believe the charge against Captain Willing to be true, on the affirmation of the British commissary, because, in the next breath, he affirms no cruelties have as yet been inflicted on him. Captain Willing has been in irons.

I beg you to be assured, there is nothing, consistent with the honor of your country, which we shall not, at all times, be ready to do for the relief of yourself and companions in captivity. We know that ardent spirit and hatred for tyranny, which brought you into your present situation, will enable you to

bear up against it with the firmness which has distinguished you as a soldier, and to look forward with pleasure to the day, when events shall take place, against which, the wounded spirits of your enemies will find no comfort, even from reflections on the most refined of the cruelties with which they have glutted themselves.

I am, with great respect, your most obedient, and most humble servant.

TO HIS EXCELLENCY GENERAL WASHINGTON.

WILLIAMSBURG, November 28th, 1779.

SIR,—Your Excellency's letter on the discriminations which have been heretofore made, between the troops raised within this State, and considered as part of our quota, and those not so considered, was delivered me four days ago. I immediately laid it before the Assembly, who thereupon came to the resolution I now do myself the honor of enclosing you. The resolution of Congress, of March 15th, 1779, which you were so kind as to enclose, was never known in this State till a few weeks ago, when we received printed copies of the Journals of Congress. It would be a great satisfaction to us, to receive an exact return of all the men we have in Continental service, who come within the description of the resolution, together with our State troops in Continental service. Colonel Cabell was so kind as to send me a return of the Continental regiments commanded by

Lord Sterling, of the first and second Virginia State regiments, and of Colonel Gist's regiment. Besides these are the following; viz., Colonel Harrison's regiment of artillery, Colonel Bayler's horse, Colonel Bland's horse, General Scott's new levies, part of which are gone to Carolina, and part are here, Colonel Gibson's regiment stationed on the Ohio, Heath and O'Hara's independent companies at the same stations, Colonel Taylor's regiment of guards to the Convention troops: of these, we have a return. There may, possibly, be others not occurring to me. A return of all these would enable us to see what proportion of the Continental army is contributed by us. We have, at present, very pressing calls to send additional numbers of men to the southward. No inclination is wanting in either the Legislature or Executive, to aid them or strengthen you; but we find it very difficult to procure men. I herewith transmit to your Excellency some recruiting commissions, to be put into such hands as you may think proper, for re-enlisting such of our soldiery as are not already engaged for the war. The Act of Assembly, authorizing these instructions, requires that the men enlisted should be reviewed and received by an officer to be appointed for that purpose; a caution less necessary in the case of men now actually in service, and, therefore, doubtless, able bodied, than in the raising new recruits. The direction, however, goes to all cases, and, therefore, we must trouble your Excellency with the appointment of one or

more officers of review. Mr. Moss, our agent, receives orders, which accompany this, to pay the bounty money and recruiting money, and to deliver the clothing. We have, however, certain reason to fear he has not any great sum of money on hand; and it is absolutely out of our power, at this time, to supply him, or to say, with certainty, when we shall be able to do it. He is instructed to note his acceptances under the draughts, and to assure payment as soon as we shall have it in our power to furnish him, as the only substitute for money. Your Excellency's directions to the officer of review, will probably procure us the satisfaction of being informed, from time to time, how many men shall be re-enlisted.

By Colonel Mathews, I informed your Excellency fully of the situation of Governor Hamilton and his companions. Lamothe and Dejean have given their paroles, and are at Hanover Court-House: Hamilton, Hay, and others, are still obstinate; therefore, still in close confinement, though their irons have never been on, since your second letter on the subject. I wrote full information of this matter to General Phillips also, from whom I had received letters on the subject. I cannot, in reason, believe that the enemy, on receiving this information, either from yourself or General Phillips, will venture to impose any new cruelties on our officers in captivity with them. Yet their conduct, hitherto, has been most successfully prognosticated by reversing the conclusions of right reason. It is, therefore, my duty, as well as it was

my promise to the Virginia captives, to take measures for discovering any change which may be made in their situation. For this purpose, I must apply for your Excellency's interposition. I doubt not but you have an established mode of knowing, at all times, through your commissary of prisoners, the precise state of those in the power of the enemy. I must, therefore, pray you to put into motions, any such means you have, for obtaining knowledge of the situation of the Virginia officers in captivity. If you should think proper, as I could wish, to take upon yourself to retaliate any new sufferings which may be imposed on them, it will be more likely to have due weight, and to restore the unhappy on both sides, to that benevolent treatment for which all should wish.

I have the honor to be, &c., &c.

TO HIS EXCELLENCY GENERAL WASHINGTON.

WILLIAMSBURG, December 10, 1779.

SIR,—I take the liberty of putting under cover to your Excellency, some letters to Generals Phillips and Reidezel, uninformed whether they are gone into New York or not, and knowing that you can best forward them in either case.

I also trouble you with a letter from the master of the flag in this State, to the British commissary of prisoners in New York, trusting it will thus be more certainly conveyed than if sent to Mr. Adams. It is my wish that the British commissary should return

his answer through your Excellency, or your commissary of prisoners, and that they should not propose, under this pretext, to send another flag, as the mission of the present flag is not unattended with circumstances of suspicion; and a certain information of the situation of ourselves and our allies here, might influence the measures of the enemy.

Perhaps your commissary of prisoners can effect the former method of answer.

I enclose to you part of an Act of Assembly ascertaining the quantity of land which shall be allowed to the officers and soldiers at the close of the war, and providing means of keeping that country vacant which has been allotted for them.

I am advised to ask your Excellency's attention to the case of Colonel Bland, late commander of the barracks in Albemarle. When that gentleman was appointed to that command, he attended the Executive here, and informed them, he must either decline it, or be supported in such a way as would keep up that respect which was essential to his command; without, at the same time, ruining his private fortune.

The Executive were sensible he would be exposed to great and unavoidable expense: they observed, his command would be in a department separate from any other, and that he actually relieved a Major General from the same service. They did not think themselves authorized to say what should be done in this case, but undertook to represent the matter to Congress, and, in the meantime, gave it as their

opinion that he ought to be allowed a decent table. On this he undertook the office, and in the course of it incurred expenses which seemed to have been unavoidable, unless he would have lived in such a way as is hardly reconcilable to the spirit of an officer, or the reputation of those in whose service he is. Governor Henry wrote on the subject to Congress; Colonel Bland did the same; but we learn they have concluded the allowance to be unprecedented, and inadmissible in the case of an officer of his rank. The commissaries, on this, have called on Colonel Bland for reimbursement. A sale of his estate was about to take place, when we undertook to recommend to them to suspend their demand, till we could ask the favor of you to advocate this matter so far with Congress, as you may think it right; otherwise the ruin of a very worthy officer must inevitably follow.

I have the honor to be, with the greatest respect and esteem,

Your Excellency's most obedient servant.

TO HIS EXCELLENCY GENERAL WASHINGTON.

WILLIAMSBURG, February 10, 1780.

SIR,—It is possible you may have heard, that in the course of last summer an expedition was meditated, by our Colonel Clarke, against Detroit: that he had proceeded so far as to rendezvous a considerable body of Indians, I believe four or five thousand,

at St. Vincennes; but, being disappointed in the number of whites he expected, and not choosing to rely principally on the Indians, he was obliged to decline it. We have a tolerable prospect of reinforcing him this spring, to the number which he thinks sufficient for the enterprise. We have informed him of this, and left him to decide between this object, and that of giving vigorous chastisement to those tribes of Indians, whose eternal hostilities have proved them incapable of living on friendly terms with us. It is our opinion, his inclination will lead him to determine on the former. The reason of my laying before your Excellency this matter, is, that it has been intimated to me that Colonel Broadhead is meditating a similar expedition. I wished, therefore, to make you acquainted with what we had in contemplation. The enterprising and energetic genius of Clarke is not altogether unknown to you. You also know (what I am a stranger to) the abilities of Broadhead, and the particular force with which you will be able to arm him for such an expedition. We wish the most hopeful means should be used for removing so uneasy a thorn from our side. As yourself, alone, are acquainted with all the circumstances necessary for well-informed decision, I am to ask the favor of your Excellency, if you should think Broadhead's undertaking it most likely to produce success, that you will be so kind as to intimate to us to divert Clarke to the other object, which is also important to this State. It will, of course, have weight with you, in forming

your determination, that our prospect of strengthening Clarke's hands, sufficiently, is not absolutely certain. It may be necessary, perhaps, to inform you, that these two officers cannot act together, which excludes the hopes of ensuring success by a joint expedition.

I have the honor to be, with the most sincere esteem, your Excellency's most obedient and most humble servant.

TO GENERAL DE RIEDESEL.[1]

RICHMOND, May 3, 1780.

SIR,—Your several favors of December 4th, February 10th, and March 30th, are come duly to hand. I sincerely condole with Madame de Riedesel on the birth of a *daughter*, but receive great pleasure from the information of her recovery, as every circumstance of felicity to her, yourself or family, is interesting to us. The little attentions you are pleased to magnify so much, never deserved a mention or thought. My mortification was, that the

[1 General de Riedesel, who commanded the Hessian troops, was among the prisoners removed to Albemarle, in 1779, after the surrender of Burgoyne at Saratoga. Mr. Jefferson did everything in his power to render the situation of these prisoners comfortable, and the educated and refined officers were often his guests. Among the number was General de Riedesel, who seems to have entertained a grateful sense of the kindness extended to him. The example of Mr. Jefferson was followed by most of the wealthy gentlemen of the surrounding country; the officers, both English and German, have borne testimony to the polite and hospitable attentions which they received in Virginia.] —ED.

peculiar situation in which we were, put it out of our power to render your stay here more comfortable. I am sorry to learn that the negotiations for the exchange of prisoners have proved abortive, as well from a desire to see the necessary distresses of war alleviated in every possible instance, as that I am sensible how far yourself and family are interested in it. Against this, however, is to be weighed the possibility that we may again have a pleasure we should otherwise, perhaps, never have had; that of seeing you again. Be this as it may, opposed as we happen to be in our sentiments of duty and honor, and anxious for contrary events, I shall, nevertheless, sincerely rejoice in every circumstance of happiness or safety, which may attend you personally; and when a termination of the present contest shall put it in my power to declare to you more unreservedly, how sincere are the sentiments of esteem and respect (wherein Mrs. Jefferson joins me) which I entertain for Madame de Riedesel and yourself, and with which I am, Sir,

Your most obedient and most humble servant.

TO HIS EXCELLENCY GENERAL WASHINGTON.

RICHMOND, June 11, 1780.

SIR,—Major Galvan, as recommended by your Excellency, was dispatched to his station without delay, and has been furnished with everything he desired, as far as we were able. The line of expresses

formed between us, is such as will communicate intelligence from one to the other in twenty-three hours. I have forwarded to him information of our disasters in the South, as they have come to me.

Our intelligence from the southward is most lamentably defective. Though Charleston has been in the hands of the enemy a month, we hear nothing of their movements which can be relied on. Rumors are, that they are penetrating northward. To remedy this defect, I shall immediately establish a line of expresses from hence to the neighborhood of their army, and send thither a sensible, judicious person, to give us information of their movements. This intelligence will, I hope, be conveyed to us at the rate of one hundred and twenty miles in the twenty-four hours. They set out to their stations to-morrow. I wish it were possible, that a like speedy line of communication could be formed from hence to your Excellency's head-quarters. Perfect and speedy information of what is passing in the South, might put it in your power, perhaps, to frame your measures by theirs. There is really nothing to oppose the progress of the enemy, northward, but the cautious principles of the military art. North Carolina is without arms. We do not abound. Those we have, are freely imparted to them, but such is the state of their resources, that they have not been able to move a single musket from this State to theirs. All the wagons we can collect, have been furnished to the Marquis de Kalb, and are assembled for the

march of twenty-five hundred men, under General Stevens, of Culpeper, who will move on the 10th instant. I have written to Congress to hasten supplies of arms and military stores for the Southern States, and particularly to aid us with cartridge-paper and boxes, the want of which articles, small as they are, renders our stores useless. The want of money cramps every effort. This will be supplied by the most unpalatable of all substitutes, force. Your Excellency will readily conceive, that, after the loss of one army, our eyes are turned towards the other, and that we comfort ourselves, if any aids can be furnished by you, without defeating the operations more beneficial to the general union, they will be furnished. At the same time, I am happy to find that the wishes of the people go no further, as far as I have an opportunity of learning their sentiments. Could arms be furnished, I think this State and North Carolina would embody from ten to fifteen thousand militia, immediately, and more if necessary.

I hope, ere long, to be able to give you a more certain statement of the enemy's as well as our situation, which I shall not fail to do. I enclose you a letter from Major Galvan, being the second I have forwarded to you.

With sentiments of the most perfect esteem and respect, I have the honor to be your Excellency's

Most obedient humble servant.

TO HIS EXCELLENCY GENERAL WASHINGTON.

RICHMOND, July 2, 1780.

SIR,—I have received from the Committee of Congress, at head-quarters, three letters calling for aids of men and provisions. I beg leave to refer you to my letter to them, of this date, on those subjects. I thought it necessary, however, to suggest to you the preparing an arrangement of officers for the men; for, though they are to supply our battalions, yet, as our whole line officers, almost, are in captivity, I suppose some temporary provision must be made. We cheerfully transfer to you every power which the Executive might exercise on this occasion. As it is possible you may cast your eye on the unemployed officers now within the State, I write to General Muhlenburg, to send you a return of them. I think the men will be rendezvoused within the present month. The bill, indeed, for raising them is not actually passed, but it is in its last stage, and no opposition to any essential parts of it. I will take care to notify you of its passage.

I have, with great pain, perceived your situation; and, the more so, as, being situated between two fires, a division of sentiment has arisen, both in Congress and here, as to which the resources of this country should be sent. The removal of General Clinton to the northward, must, of course, have great influence on the determination of this question; and I have no doubt but considerable aids may be

drawn hence, for your army, unless a larger one should be embodied in the South, than the force of the enemy there seems to call for. I have the honor to be, with every sentiment of respect and esteem, your Excellency's

Most obedient humble servant.[1]

TO GENERAL EDWARD STEVENS.

RICHMOND, August 4, 1780.

SIR,—Your several favors of July the 16th, 21st, and 22d, are now before me. Our smiths are engaged in making five hundred axes and some tomahawks for General Gates. About one hundred of these will go by the wagons now taking in their loads. As these

[1] [The following memorandum is inserted in the MS. at the close of this letter.]

FEMALE CONTRIBUTIONS, IN AID OF THE WAR, PROBABLY IN 1780.

Mrs. Sarah Cary, of Scotchtown, a watch-chain, cost £7 sterling.
Mrs. ——— Ambler, five gold rings.
Mrs. Rebecca Ambler, three gold rings.
Mrs. ——— Nicholas, a diamond drop.
Mrs. Griffin, of Dover, ten half joes.
Mrs. Gilmer, five guineas.
Mrs. Anne Ramsay (for Fairfax), one half joe, three guineas, three pistareens, one bit.
Do. for do. paper money, bundle No. 1, twenty thousand dollars, No. 2, twenty-seven thousand dollars, No. 3, fifteen thousand dollars, No. 4, thirteen-thousand five hundred and eighteen dollars and one-third.
Mrs. Lewis (for Albemarle), £1559 8s. paper money.
Mrs. Weldon, £39 18s. new, instead of £1600 old paper money.
Mrs. Blackburn (for Prince William), seven thousand five hundred and six dollars, paper money.
Mrs. Randolph, the younger, of Chatsworth, eight hundred dollars.
Mrs. Fitzhugh and others, £558.

are for the army in general, no doubt but you will participate of them. A chest of medicine was made up for you in Williamsburg, and by a strange kind of forgetfulness, the vessel ordered to bring that, left it and brought the rest of the shop. It is sent for again, and I am not without hopes will be here in time to go by the present wagons. They will carry some ammunition and the axes, and will make up their load with spirits. Tents, I fear, cannot be got in this country; we have, however, sent out powers to all the trading towns here, to take it wherever they can find it. I write to General Gates, to try whether the duck in North Carolina cannot be procured by the Executive of that State on Continental account; for, surely, the whole army, as well our militia as the rest, is Continental. The arms you have to spare may be delivered to General Gates's order, taking and furnishing us with proper vouchers. We shall endeavor to send our drafts armed. I cannot conceive how the arms before sent could have got into so very bad order; they certainly went from hence in good condition. You wish to know how far the property of this State, in your hands, is meant to be subject to the orders of the Commander-in-chief. Arms and military stores, we mean to be perfectly subject to him. The provisions going from this country will be for the whole army. If we can get any tents, they must be appropriated to the use of our own troops. Medicine, sick stores, spirits and such things, we expect shall

be on the same footing as with the northern army. There, you know, each State furnishes its own troops with these articles, and, of course, has an exclusive right to what is furnished. The money put into your hands, was meant as a particular resource for any extra wants of our own troops, yet, in case of great distress, you would probably not see the others suffer without communicating part of it for their use. We debit Congress with this whole sum. There can be nothing but what is right in your paying Major Mazaret's troops out of it. I wish the plan you have adopted for securing a return of the arms from the militia, may answer. I apprehend any man who has a good gun on his shoulder, would agree to keep it, and have the worth of it deducted out of his pay, more especially, when the receipt of the pay is at some distance. What would you think of notifying to them, further, that a proper certificate that they are discharged, and have *returned their arms*, will be required before any pay is issued to them. A roll, kept and forwarded, of those so discharged, and who have delivered up their arms, would supply accidental losses of their certificates. We are endeavoring to get bayonet belts made. The State quarter-master affirms the cartouch boxes sent from this place (nine hundred and fifty-nine in number), were all in good condition. I therefore suppose the three hundred you received in such very bad order, must have gone from the Continental quarter-master at Petersburg, or, per-

haps, have been pillaged, on the road, of their flaps, to mend shoes, &c. I must still press the return of as many wagons as possible. All you will send, shall be loaded with spirits, or something else for the army. By their next return, we shall have a good deal of bacon collected. The enclosed is a copy of what was reported to me, as heretofore sent by the wagons. I am, Sir, with the greatest esteem,

Your most obedient humble servant.

TO ———.[1]

RICHMOND, August 4, 1780.

SIR,—Your several favors of July 19, 21, and 22, are now before me. I have enquired into the state of the cartouch boxes which were sent from our magazine. The Quartermaster assures me they were in very good order. I must, therefore, conclude, that the 300 complained of by General Stevens, were some sent from Petersburg by the Continental Quartermaster, or that they were pillaged of the leather on the way, to mend shoes, &c. We had hopes of getting 2,000 from the Board of War, but we got only about 600, and they are said to be unfit for use. We are engaged in making bayonet belts, which shall be forwarded, but it is

[1 This letter has no direction, but was probably addressed to General Gates, then commanding the Southern army. It was written by Mr. Jefferson in his character of Governor of Virginia, to which office he was elected on the 1st of June, 1779.—ED.]

extremely difficult to procure leather. The consumption of beef by your army will, I hope, remove the want of this article another year. I have ordered the 500 axes you desired, with some tomahawks, to be made. They turn out about 20 a day. About 100 will go on by the wagons General Stevens sent us, which are now loading at this place. These wagons will carry some ammunition and spirit. A vessel with about 3,000 stand of arms, coming down the bay for the use of your army, was driven by privateers into Wicomico. We are endeavoring to get them forwarded either by land or water. The want of wagons will greatly retard them. What is to be done for tents, I know not. I am assured that very little duck can be got in this country. Whatever there is, however, will be produced under a commission gone out for that purpose. The duck you speak of as being in North Carolina, cannot be procured by that State, on Continental account, for the use of the army. I communicated your orders to Colonel Finnie, and to Colonel Buford, and have directed proper applications for the repairs of the bridges, &c., you mention. Arms are ready for Buford's, Davies's, and Gibson's men. Gibson's men are clothed, and wait only to be paid, which will be done within the course of a week. Clothing has been issued some time for the others, which is making up under the superintendence of Colonel Davies. They are utterly destitute of blankets, and I fear we shall be unable to get any. Brent's

infantry are but 30, and cannot be sent on without bringing on disagreeable disputes about rank between his officers and Gibson's. To silence these, the march of his men has been countermanded. Colonel Finnie informs me, that Major Lee's infantry has been sent back by special orders. We have ordered 243 horses to be purchased for Colonels White and Washington. The orders to Mr. Lewis to purchase beef in Carolina were given by the Continental Commissary, so long ago as last winter, when it was not foreseen there would be such a call for it in that country. Having no other means of conveying a letter to him, I take the liberty of putting one under cover to you, with instructions to him to discontinue his purchases in North Carolina, and to furnish you with so much of the beef he has, as you may think necessary. It would be expedient for you to leave in his hands whatever quantity is not absolutely necessary for your army; as, depending on that, no other provision has been made for the post at Charlottesville, and you know our country so well as to foresee that a port, at which 5,000 rations a day are issued, cannot be fed by the purchase of the day.

We have reason to believe the French fleet arrived at Newport the 10th ult., but it is not certain. Admiral Graves, with six sail of the line, is certainly arrived at New York.

I have the honor to be, with the greatest respect, Sir,

Your most obedient and most humble servant.

TO MAJOR-GENERAL GATES.

RICHMOND, August 15, 1780.

SIR,—Your favor of August the 3d, is just now put into my hand. Those formerly received have been duly answered, and my replies will, no doubt, have reached you before this date. My last letter to you was by Colonel Drayton.

I spoke fully with you on the difficulty of procuring wagons here, when I had the pleasure of seeing you, and for that reason pressed the sending back as many as possible. One brigade of twelve has since returned, and is again on its way with medicine, military stores, and spirit. Any others which come, and as fast as they come, shall be returned to you with spirit and bacon. I have ever been informed, that the very plentiful harvests of North Carolina, would render the transportation of flour from this State as unnecessary as it would be tedious, and that, in this point of view, the wagons should carry hence only the articles before mentioned, which are equally wanting with you. Finding that no great number of wagons is likely to return to us, we will immediately order as many more to be bought and sent on, as we possibly can. But, to prevent too great expectations, I must again repeat, that I fear no great number can be got. I do assure you, however, that neither attention nor expense shall be spared, to forward to you every support for which we can obtain means of trans-

portation. You have, probably, received our order on Colonel Lewis, to deliver you any of the beeves he may have purchased.

Tents, I fear, it is in vain to expect, because there is not in this country stuff to make them. We have agents and commissioners in constant pursuit of stuff, but hitherto researches have been fruitless. Your order to Colonel Carrington shall be immediately communicated. A hundred copies of the proclamation shall also be immediately printed and forwarded to you. General Muhlenburg is come to this place, which he will now make his head-quarters. I think he will be able to set into motion, within a very few days, five hundred regulars, who are now equipped for their march, except some blankets still wanting, but I hope nearly procured and ready to be delivered.

I sincerely congratulate you on your successful advances on the enemy, and wish to do everything to second your enterprises, which the situation of this country, and the means and powers put into my hands, enable me to do.

I am, Sir, with sincere respect and esteem,

Your most obedient and most humble servant.

TO HIS EXCELLENCY GENERAL WASHINGTON.

RICHMOND, September 3, 1780.

SIR,—As I know the anxieties you must have felt, since the late misfortune to the South, and our latter

accounts have not been quite so favorable as the first, I take the liberty of enclosing you a statement of this unlucky affair, taken from letters from General Gates, General Stevens, and Governor Nash, and, as to some circumstances, from an officer who was in the action.[1] Another army is collecting; this amounted, on the 23d ultimo, to between four and five thousand men, consisting of about five hundred Maryland regulars, a few of Hamilton's artillery, and Portersfield corps, Armand's legion, such of the Virginia militia as had been reclaimed, and about three thousand North Carolina militia, newly embodied. We are told they will increase these to eight thousand. Our new recruits will rendezvous in this State between the 10th and 25th instant. We are calling out two thousand militia, who, I think, however, will not be got to Hillsborough till the 25th of October. About three hundred and fifty regulars marched from Chesterfield a week ago. Fifty march to-morrow, and there will be one hundred or one hundred and fifty more from that post, when they can be cleared of the hospital. This is as good a view as I can give you of the force we are endeavoring to collect; but they are unarmed. Almost the whole small arms seems to have been lost in the late rout. There are of arms, sent by Congress, and we have still a few

[1 The circumstances of the defeat of General Gates's army, near Camden, in August, 1780, being of historical notoriety, this statement is omitted.]

here, on their way southward, three thousand stand in our magazine. I have written pressingly, as the subject well deserves, to Congress, to send immediate supplies, and to think of forming a magazine here, that in case of another disaster, we may not be left without all means of opposition.

I enclosed to your Excellency, some time ago, a resolution of the Assembly, instructing us to send a quantity of tobacco to New York for the relief of our officers there, and asking the favor of you to obtain permission. Having received no answer, I fear my letter or your answer has miscarried. I therefore take the liberty of repeating my application to you.

I have the honor to be, with the most profound respect, your Excellency's most obedient and most humble servant.

TO EDWARD STEVENS.

RICHMOND, September 3, 1780.

DEAR SIR,—I sincerely condole with you on our late misfortune,[1] which sits the heavier on my mind as being produced by my own countrymen. Instead of considering what is past, however, we are to look forward and prepare for the future. I write General Gates and Governor Nash as to supplies and reinforcements. Another body of 2,000 militia are ordered to you to rendezvous at Hillsborough, on

[1 Battle of Camden, August 16th, 1780.]

the 25th of October. They come from the middle and north counties, beyond and adjoining the Blue Ridge. I am told, also, that a spirit of raising volunteers is springing up. The truth of this, however, is not certainly known, nor can its success be depended on. Governor Nash writes me that 400 wagons were lost. An officer here, however, thinks they are not. This, indeed, would be a heavy loss, as well as that of the small arms. We shall exert every nerve to assist you in every way in our power, being, as we are, without any money in the Treasury, or any prospect of more till the Assembly meets in October.

I am with great esteem your most obedient and most humble servant.

TO THE HON. MAJOR GENERAL GATES.

RICHMOND, September 11, 1780.

DEAR SIR,—Your bill for £54,712 in favor of Mallette, has been duly honored, that for £95,288 we shall also discharge; another bill (which being delivered back to be presented at the end of the ten days, I cannot recollect either the name of the holder or the sum) has been accepted. We are now without one shilling in the treasury, or a possibility of having it recruited till the meeting of the Assembly, which takes place on the 15th of the next month. In this condition Mr. Duncan Ochiltree found us when he delivered your letter of the 5th

instant, and draught for £100,000 in favor of Col. Polk. The only thing in our power, after stating to him our situation, was to assure him that it should be paid as soon as we should be enabled to do it by the Assembly, which I flatter myself will be as soon as they meet. Of this I am to notify him, that he may know when to call for payment. I shall be very glad if you can accommodate, to the same circumstances, any other draughts you may find it necessary to make on me.

We have sent a Mr. Paton, Commissary for the State, to collect beeves in our southern counties, and forward them to your army. He has orders to keep up a proper correspondence with your Commissary.

I have the honor to be with the greatest esteem and respect, Sir, your most obedient and most humble servant.

TO GENERAL EDWARD STEVENS.

RICHMOND, September 12, 1780.

SIR,—Your letters of August 27th and 30th are now before me. The subsequent desertions of your militia have taken away the necessity of answering the question, How they shall be armed? On the contrary, as there must now be a surplus of arms, I am in hopes you will endeavor to reserve them, as we have not here a sufficient number by fifteen hundred or two thousand for the men who will march hence, if they march in numbers equal to our expectations.

I have sent expresses into all the counties from which those militia went, requiring the county lieutenants to exert themselves in taking them; and such is the detestation with which they have been received, that I have heard from many counties they were going back of themselves. You will, of course, hold courts martial on them, and make them soldiers for eight months. If you will be so good as to inform me, from time to time, how many you have, we may, perhaps, get the supernumerary officers in the State to take command of them. By the same opportunities, I desired notice to be given to the friends of the few remaining with you, that they had lost their clothes and blankets, and recommended that they should avail themselves of any good opportunity to send them supplies.

We approve of your accommodating the hospital with medicines, and the Maryland troops with spirits. They really deserve the whole, and I wish we had means of transportation for much greater quantities, which we have on hand and cannot convey. This article we could furnish plentifully to you and them. What is to be done for wagons, I do not know. We have not now one shilling in the treasury to purchase them. We have ordered an active quarter-master to go to the westward, and endeavor to purchase on credit, or impress a hundred wagons and teams. But I really see no prospect of sending you additional supplies, till the same wagons return from you, which we sent on with the last. I informed you, in my last

letter, we had ordered two thousand militia more, to rendezvous at Hillsborough on the 25th of October. You will judge yourself, whether, in the meantime, you can be more useful by remaining where you are, with the few militia left and coming in, or by returning home, where, besides again accommodating yourself after your losses, you may also aid us in getting those men into motion, and in pointing out such things as are within our power, and may be useful to the service. And you will act accordingly. I am, with great friendship and esteem, dear Sir,

Your most obedient, humble servant.

TO GENERAL EDWARD STEVENS.

RICHMOND, Sept. 15th, 1780.

SIR,—I beg leave to trouble you with a private letter, on a little matter of my own, having no acquaintance at camp, with whom I can take that liberty. Among the wagons impressed, for the use of your militia, were two of mine. One of these, I know is safe, having been on its way from hence to Hillsborough, at the time of the late engagement. The other, I have reason to believe, was on the field. A wagon master, who says he was near it, informs me the brigade quarter-master cut out one of my best horses, and made his escape on him, and that he saw my wagoner loosening his own horse to come off, but the enemy's horse were then coming up, and he knows nothing further. He was a negro man,

named Phill, lame in one arm and leg. If you will do me the favor to enquire what has become of him, what horses are saved, and to send them to me, I shall be much obliged to you. The horses were not public property, as they were only impressed and not sold. Perhaps your certificate of what is lost, may be necessary for me. The wagon master told me, that the public money was in my wagon, a circumstance which, perhaps, may aid your enquiries. After apologising for the trouble, I beg leave to assure you that I am, with great sincerity,

Your friend and servant.

TO MAJOR GENERAL GATES.

RICHMOND, September 23, 1780.

SIR,—I have empowered Colonel Carrington to have twelve boats, scows or batteaux, built at Taylor's Ferry, and to draw on me for the cost. I recommended the constructing them so as to answer the transportation of provisions along that river, as a change of position of the two armies, may render them unnecessary at Taylor's ferry; and I am thoroughly persuaded, that, unless we can find out some channel of transportation by water, no supplies of bread, of any consequence, can be sent you from this State for a long time to come. The want of wagons is a bar insuperable, at least, in any reasonable time. I have given orders to have Fry and Jefferson's map, and Henry's map of Virginia, sought for and pur-

chased. As soon as they can be got, I will forward them. I have also written to General Washington on the subject of wintering the French fleet in the Chesapeake. Our new levies rendezvous in large numbers. As General Washington had constituted them into eight battalions, and allotted none to Colonel Harrison, we think to deliver him about four hundred drafts of another kind, who are to serve eighteen months also. Unless Congress furnish small arms, we cannot arm more than half the men who will go from this State. The prize you mention of tents and blankets is very fortunate. It is absolutely out of our power to get these articles, to any amount, in this country, nor have we clothing for our new levies. They must, therefore, go to you clothed as militia, till we can procure and send on supplies. They will be as warm in their present clothing at Hillsborough, as at Chesterfield Court House.

We have an agent, collecting all the beeves which can be got from the counties round about Portsmouth, to send off to you. They have there also plentiful crops of corn growing. We have instructed him to try whether means of conveying it down into the Sounds, and up some of the rivers of North Carolina, or by land to Meherrin river, and thence down Chowan, and up Roanoke, cannot be rendered practicable.

I am, with every sentiment of esteem and respect, your most obedient and most humble servant.

P. S. I enclose a certificate, acknowledging satisfaction for the money furnished by Colonel Kosciusko.

TO HIS EXCELLENCY GENERAL WASHINGTON.

RICHMOND, September 23, 1780.

SIR,—I yesterday forwarded to you a letter from Colonel Wood, informing you of his situation. That post has, for some time past, been pretty regularly supplied, and I hope will continue to be for some time to come. A person, whose punctuality can be relied on, offers to contract for victualling it. If we can agree on terms, and the Assembly will strengthen our hands sufficiently, we think to adopt that method, as the only one to be relied on with certainty. I have heard it hinted that Colonel Wood thinks of quitting that post. I should be exceedingly sorry, indeed, were he to do it. He has given to those under his charge the most perfect satisfaction, and, at the same time, used all the cautions which the nature of his charge has required. It is principally owing to his prudence and good temper, that the late difficulties have been passed over, almost without a murmur. Any influence which your Excellency shall think proper to use, for retaining him in his present situation, will promote the public good, and have a great tendency to keep up a desirable harmony with the officers of that corps. Our new recruits are rendezvousing very generally. Colonel Harrison was un-

easy at having none of them assigned to his corps of artillery, who have very much distinguished themselves in the late unfortunate action, and are reduced almost to nothing. We happened to have about four hundred drafts, raised in the last year, and never called out and sent on duty by their county lieutenants, whom we have collected and are collecting. We think to deliver these to Colonel Harrison: they are to serve eighteen months from the time of rendezvous. The numbers of regulars and militia ordered from this State into the southern service, are about seven thousand. I trust we may count that fifty-five hundred will actually proceed; but we have arms for three thousand only. If, therefore, we do not speedily receive a supply from Congress, we must countermand a proper number of these troops. Besides this supply, there should certainly be a magazine laid in here, to provide against a general loss as well as daily waste. When we deliver out those now in our magazine, we shall have sent seven thousand stand of our own into the southern service, in the course of this summer. We are still more destitute of clothing, tents and wagons for our troops. The southern army suffers for provisions, which we could plentifully supply, were it possible to find means of transportation. Despairing of this, we directed very considerable quantities, collected on the navigable waters, to be sent northwardly by the quarter-master. This he is now doing; slowly, however. Unapprised what

may be proposed by our allies, to be done with their fleet in the course of the ensuing winter, I would beg leave to intimate to you, that if it should appear to them eligible that it should winter in the Chesapeake, they can be well supplied with provisions, taking their necessary measures in due time. The waters communicating with that bay furnish easy, and (in that case) safe transportation, and their money will call forth what is denied to ours.

I am, with all possible esteem and respect, your Excellency's most obedient and humble servant.

TO HIS EXCELLENCY GENERAL WASHINGTON.

RICHMOND, September 26, 1780.

SIR,—The enclosed copy of a letter from Lord Cornwallis[1] to Colonel Balfour, was sent me by Gov-

[1] TO LIEUTENANT COLONEL NISBET BALFOUR, COMMANDER AT NINETY-SIX.

I have the happiness to inform you, that on Wednesday the 16th instant, I totally defeated General Gates's army. One thousand were killed and wounded, about eight hundred taken prisoners. We are in possession of eight pieces of brass cannon, all they had in the field, all their ammunition wagons, a great number of arms, and one hundred and thirty baggage wagons: in short, there never was a more complete victory. I have written to Lieutenant Colonel Turnbull, whom I sent to join Major Johnson on Little river, to push on after General Sumter to the Waxhaws, whose detachment is the only collected force of rebels in all this country. Colonel Tarleton is in pursuit of Sumter. Our loss is about three hundred killed and wounded, chiefly of the thirty-third regiment and volunteers, of Ireland. I have given orders that all the inhabitants of this province, who have subscribed and taken part in this revolt, should be punished with the greatest rigor; also, that those who will not turn out, may be im-

ernor Rutledge: lest you should not have seen it, I do myself the pleasure of transmitting it, with a letter from General Harrington to General Gates giving information of some late movements of the enemy.

I was honored yesterday with your favor of the 5th instant, on the subject of prisoners, and particularly Lieutenant Governor Hamilton. You are not unapprised of the influence of this officer with the Indians, his activity and embittered zeal against us. You also, perhaps, know how precarious is our tenure of the Illinois country, and how critical is the situation of the new counties on the Ohio. These circumstances determined us to detain Governor Hamilton and Major Hay within our power, when we delivered up the other prisoners. On a late representation from the people of Kentucky, by a person sent here from that country, and expressions of what they had reason to apprehend from these two prisoners, in the event of their liberation, we assured them they would not be parted with, though we were giving up our other prisoners. Lieutenant Colonel Dabusson, aid

prisoned, and their whole property taken from them, and destroyed. I have also ordered that satisfaction should be made for their estates, to those who have been injured and oppressed by them. I have ordered, in the most positive manner, that every militia man who has borne arms with us and afterwards joined the enemy, shall be immediately hanged. I desire you will take the most rigorous measures to punish the rebels in the district in which you command, and that you will obey, in the strictest manner, the directions I have given in this letter, relative to the inhabitants of this country. CORNWALLIS.

August, 1780.

to Baron de Kalb, lately came here on his parole, with an offer from Lord Rawdon, to exchange him for Hamilton. Colonel Towles is now here with a like proposition for himself, from General Phillips, very strongly urged by the General. These, and other overtures, do not lessen our opinion of the importance of retaining him; and they have been, and will be, uniformly rejected. Should the settlement, indeed, of a cartel become impracticable, without the consent of the States to submit their separate prisoners to its obligation, we will give up these two prisoners, as we would anything, rather than be an obstacle to a general good. But no other circumstance would, I believe, extract them from us. These two gentlemen, with a Lieutenant Colonel Elligood, are the only separate prisoners we have retained, and the last, only on his own request, and not because we set any store by him. There is, indeed, a Lieutenant Governor Rocheblawe of Kaskaskie, who has broken his parole, and gone to New York, whom we must shortly trouble your Excellency to demand for us, as soon as we can forward to you the proper documents. Since the forty prisoners sent to Winchester, as mentioned in my letter of the 9th ultimo, about one hundred and fifty more have been sent thither, some of them taken by us at sea, others sent on by General Gates.

The exposed and weak state of our western settlements, and the danger to which they are subject from the northern Indians, acting under the influ-

ence of the British post at Detroit, render it necessary for us to keep from five to eight hundred men on duty, for their defence. This is a great and perpetual expense. Could that post be reduced and retained, it would cover all the States to the southeast of it. We have long meditated the attempt under the direction of Colonel Clarke, but the expense would be so great, that whenever we have wished to take it up, the circumstance has obliged us to decline it. Two different estimates make it amount to two millions of pounds, present money. We could furnish the men, provisions, and every necessary, except powder, had we the money, or could the demand from us be so far supplied from other quarters, as to leave it in our power to apply such a sum to that purpose; and, when once done, it would save annual expenditures to a great amount. When I speak of furnishing the men, I mean they should be militia, such being the popularity of Colonel Clarke, and the confidence of the western people in him, that he could raise the requisite number at any time. We, therefore, beg leave to refer this matter to yourself, to determine whether such an enterprise would not be for the general good, and if you think it would, to authorize it at the general expense. This is become the more reasonable, if, as I understand, the ratification of the Confederation has been rested on our cession of a part of our western claim; a cession which (speaking my private opinion) I verily believe will be

agreed to, if the quantity demanded is not unreasonably great. Should this proposition be approved of, it should be immediately made known to us, as the season is now coming on, at which some of the preparations must be made. The time of execution, I think, should be at the time of the breaking up of the ice in the Wabash, and before the lakes open. The interval, I am told, is considerable.

I have the honor to be. &c., your most obedient and humble servant.

TO MAJOR-GENERAL GATES.

RICHMOND, October 4, 1780.

SIR,—My letter of September 23d, answered your favors received before that date, and the present serves to acknowledge the receipt of those of September 24th and 27th. I retain in mind, and recur, almost daily, to your requisitions of August; we have, as yet, no prospect of more than one hundred tents. Flour is ordered to be manufactured, as soon as the season will render it safe; out of which, I trust, we can furnish not only your requisition of August, but that of Congress of September 11th. The corn you desire, we could furnish when the new crops come in, fully, if water transportation can be found; if not, we shall be able only to send you what lies convenient to the southern boundary, in which neighborhood the crops have been much abridged by a flood in Roanoke. We have no rice. Rum

and other spirits we can furnish to a greater amount than you require, as soon as our wagons are in readiness, and shall be glad to commute into that article some others which we have not, particularly sugar, coffee and salt. The vinegar is provided. Colonel Finnie promised to furnish to Colonel Muter, a list of the spades, hoes, &c., which could be furnished from the Continental stores. This list has never yet come to hand. It is believed, the Continental stores here will fall little short of your requisition, except in the article of axes, which our shops are proceeding on. Your information of September 24th, as to the quality of the axes, has been notified to the workmen, and will, I hope, have a proper effect on those made hereafter. Application has been made to the courts, to have the bridges put in a proper state, which they have promised to do. We are endeavoring again to collect wagons. About twenty are nearly finished at this place. We employed, about three weeks ago, agents to purchase, in the western counties, a hundred wagons and teams. Till these can be got, it will be impossible to furnish anything from this place. I am exceedingly pleased to hear of your regulation for stopping our wagons at Roanoke. This will put it in our power to repair and replace them, to calculate their returns, provide loads, and will be a great encouragement to increase their number, if possible, as their departure hence will no longer produce the idea of a final adieu to them.

Colonel Senf arrived here the evening before the last. He was employed yesterday and to-day, in copying some actual and accurate surveys, which we had had made of the country round about Portsmouth, as far as Cape Henry to the eastward, Nansemond river to the westward, the Dismal Swamp to the southward, and northwardly, the line of country from Portsmouth by Hampton and York, to Williamsburg, and including the vicinities of these three last posts. This will leave him nothing to do, but to take drawings of particular places, and the soundings of such waters as he thinks material. He will proceed on this business to-morrow, with a letter to General Nelson, and powers to call for the attendance of a proper vessel.

I suppose, that your drafts in favor of the quarter-master, if attended with sixty days' grace, may be complied with to a certain amount. We will certainly use our best endeavors to answer them. I have only to desire that they may be made payable to the quarter-master alone, and not to the bearer. This is to prevent the mortification of seeing an unapprised individual taken in by an assignment of them, as if they were *ready money*. Your letter to Colonel Finnie will go to Williamsburg immediately. Those to Congress, with a copy of the papers enclosed to me, went yesterday by express. I will take order as to the bacon you mention. I fear there is little of it, and that not capable of being long kept. You are surely not uninformed, that Congress required

the greater part of this article to be sent northward, which has been done. I hope, by this time, you receive supplies of beeves from our commissary, Mr. Eaton, who was sent three weeks or a month ago to exhaust of that article the counties below, and in the neighborhood of Portsmouth; and from thence, was to proceed to the other counties, in order, as they stood exposed to an enemy.

The arrival of the French West India fleet (which, though not authentically communicated, seems supported by so many concurring accounts from individuals, as to leave scarcely room for doubt), will, I hope, prevent the enemy from carrying into effect the embarkation they had certainly intended from New York, though they are strengthened by the arrival of Admiral Rodney at that place, with twelve sail of the line and four frigates, as announced by General Washington to Congress, on the 19th ultimo. The accounts of the additional French fleet are varied, from sixteen to nineteen ships of the line, besides frigates. The number of the latter has never been mentioned. The extracts of letters, which you will see in our paper of this day, are from General Washington, President Huntington and our Delegates in Congress to me. That from Bladensburg is from a particular acquaintance of mine, whose credit cannot be doubted. The distress we are experiencing from want of leather to make shoes, is great. I am sure you have thought of preventing it in future, by the appointment of a commissary of

hides, or some other good regulation for saving and tanning the hides, which the consumption of your army will afford.

I have the honor to be, with all possible esteem and respect, Sir, your most obedient, and most humble servant.

TO GENERAL GATES.

RICHMOND, October 15, 1780.

SIR,—I am rendered not a little anxious by the paragraph of yours of the 7th instant, wherein you say, "It is near a month since I received any letter from your Excellency; indeed, the receipt of most that I have written to you remain unacknowledged." You ought, within that time, to have received my letter of September the 3d, written immediately on my return to this place, after a fortnight's absence; that of September the 11th, acknowledging the receipt of yours which covered drafts for money; that of September the 23d, on the subject of batteaux at Taylor's ferry, wagons, maps of Virginia, wintering the French fleet in the Chesapeake, our new levies, and provisions from our lower counties; and that of October the 4th, in answer to yours of September the 24th, and 27th. I begin to apprehend treachery in some part of our chain of expresses, and beg the favor of you, in your next, to mention whether any, and which of these letters have come to hand. This acknowledges the receipt of yours of September the

28th, and October the 3d, 5th, and 7th. The first of these was delivered four or five days ago by Captain Drew. He will be permitted to return as you desire, as we would fulfil your wishes in every point in our power, as well as indulge the ardor of a good officer. Our militia from the western counties, are now on their march to join you. They are fond of the kind of service in which Colonel Morgan is generally engaged, and are made very happy by being informed you intend to put them under him. Such as pass by this place, take muskets in their hands. Those from the southern counties beyond the Blue Ridge, were advised to carry their rifles. For those who carry neither rifles nor muskets, as well as for our eighteen months' men, we shall send on arms as soon as wagons can be procured. In the meantime, I had hoped that there were arms for those who should first arrive at Hillsborough, as by General Stevens's return, dated at his departure thence, there were somewhere between five and eight hundred muskets (I speak from memory, not having present access to the return) belonging to this State, either in the hands of the few militia who were there, or stored. Captain Fauntleroy, of the cavalry, gives me hopes he shall immediately forward a very considerable supply of accoutrements, for White's and Washington's cavalry. He told me yesterday, he had received one hundred and thirteen horses for that service, from us. Besides those, he had rejected sixty odd, after we

had purchased them, at £30 apiece. Nelson's two troops were returned to me, deficient only twelve horses, since which, ten have been sent to him by Lieutenant Armstead. I am not a little disappointed, therefore, in the number of cavalry fit for duty, as mentioned in the letter you enclosed me. Your request (as stated in your letter of the 7th) that we will send no men into the field, or even to your camp, that are not well furnished with shoes, blankets, and every necessary for immediate service, would amount to a stoppage of every man; as we have it not in our power to furnish them with real necessaries completely. I hope they will be all shod. What proportion will have blankets, I cannot say: we purchase every one which can be found out; and now I begin to have a prospect of furnishing about half of them with tents, as soon as they can be made and forwarded. As to provisions, our agent, Eaton of whom I before wrote, informs me in a letter of the 5th instant, he shall immediately get supplies of beef into motion, and shall send some corn by a circuitous navigation. But till we receive our wagons from the western country, I cannot hope to aid you in bread. I expect daily to see wagons coming in to us. The militia were ordered to rendezvous at Hillsborough, expecting they would thence be ordered by you into service. I send you herewith, a copy of Henry's map of Virginia. It is a mere *cento* of blunders. It may serve to give you a general idea of the courses of rivers, and positions

of counties. We are endeavoring to get you a copy of Fry and Jefferson's; but they are now very scarce. I also enclose you some newspapers, in which you will find a detail of Arnold's apostasy and villany.

I am, with all sentiments of sincere respect and esteem, Sir, your most obedient and most humble servant.

P. S. Just as I was closing my letter, yours of the 9th instant was put into my hands. I enclose, by this express, a power to Mr. Lambe, quarter-master, to impress for a month, ten wagons from each of the counties of Brunswick, Mecklenburg, Lunenburg, Charlotte, and Halifax, and direct him to take your orders, whether they shall go first to you, or come here. If the latter, we can load them with arms and spirits. Before their month is out, I hope the hundred wagons from the westward will have come in. We will otherwise provide a relief for these. I am perfectly astonished at your not having yet received my letters before mentioned. I send you a copy of that of the 4th of October, as being most material. I learn from one of General Muhlenburg's family, that five wagons have set out from hence, with three hundred stand of arms, &c. However, the General writes to you himself.

TO HIS EXCELLENCY GENERAL WASHINGTON.

RICHMOND, October 22, 1780.

SIR,—I have this morning received certain information of the arrival of a hostile fleet in our bay, of about sixty sail. The debarkation of some light horse, in the neighborhood of Portsmouth, seems to indicate that as the first scene of action. We are endeavoring to collect as large a body to oppose them as we can arm; this will be lamentably inadequate, if the enemy be in any force. It is mortifying to suppose that a people, able and zealous to contend with their enemy, should be reduced to fold their arms for want of the means of defence. Yet no resources, that we know of, insure us against this event. It has become necessary to divert to this new object, a considerable part of the aids we had destined for General Gates. We are still, however, sensible of the necessity of supporting him, and have left that part of the country nearest him uncalled on, at present, that they may reinforce him as soon as arms can be received. We have called to the command of our forces Generals Weeden and Muhlenburg, of the line, and Nelson and Stevens of the militia. You will be pleased to make to these such additions as you may think proper. As to the aids of men, I ask for none, knowing that if the late detachment of the enemy shall have left it safe for you to spare aids of that kind, you will not await my application. Of the troops we shall raise, there

is not a single man who ever saw the face of an enemy. Whether the Convention troops will be removed or not, is yet undetermined. This must depend on the force of the enemy, and the aspect of their movements.

I have the honor to be your Excellency's most obedient humble servant.

TO MAJOR GENERAL GATES.

IN COUNCIL, Oct. 22d, 1780.

SIR,—The letters which accompany this will inform you of the arrival of a large fleet of the enemy within our capes, and that they have begun their debarkation.[1] We are taking measures to collect a body to oppose them, for which purpose it seems necessary to retain such regulars, volunteers and militia as have not yet gone on to you. We have left the counties of Lunenburg, Mecklenburg, Halifax, and all above them on the south side of James river, uncalled on, that they may be in

[1 About the 22d of Oct. 1780, a British fleet made its appearance in the Chesapeake, having on board some three thousand troops, under the command of General Leslie. Different detachments were landed near Portsmouth, Hampton, and on the bay-side of Princess Anne. The whole force was subsequently collected at Portsmouth; but Leslie, probably disappointed in his expectation of forming a juncture with Cornwallis, suddenly re-embarked for South Carolina. On the 29th of the following December, Arnold made his appearance, with twenty-seven sail of vessels, within the Virginian capes, and commenced his invasion. On 26th of March, 1781, he was superseded in his command by General Phillips, who joined him at Portsmouth with some two thousand troops.—ED.]

readiness to reinforce you as soon as arms can be procured. I am in hopes the eighteen months' men and western militia, who will have joined you with the volunteers from Washington and Montgomery, as proposed by Col. Preston, and the eighteen months' militia, will be a useful reinforcement to you, and shall continue to divide our attention, both as to men and provisions, between the army in your front and that which is posting itself within our own country.

I have the honor to be, with the greatest esteem, Sir, your most obedient and most humble servant.

P. S. Col. Carrington is arrived since writing the above, and says you want thirty horses to move your artillery. They shall be immediately sent to you.

TO HIS EXCELLENCY GENERAL WASHINGTON.

RICHMOND, October 25, 1780.

SIR,—I take the liberty of enclosing to you letters from Governor Hamilton, for New York. On some representations received by Colonel Towles, that an indulgence to Governor Hamilton and his companions to go to New York, on parole, would produce the happiest effect on the situation of our officers in Long Island, we have given him, Major Hay, and some of the same party at Winchester, leave to go there on parole. The two former go by water, the latter by land.

By this express I hand on, from General Gates to Congress, intelligence of the capture of Augusta, in Georgia, with considerable quantities of goods; and information, which carries a fair appearance, of the taking of Georgetown, in South Carolina, by a party of ours, and that an army of six thousand French and Spaniards had landed at Sunbury. This is the more credible, as Cornwallis retreated from Charlotte on the 12th instant, with great marks of precipitation. Since my last to you, informing you of an enemy's fleet, they have landed eight hundred men in the neighborhood of Portsmouth, and some more on the bay side of Princess Anne. One thousand infantry landed at New-ports-news, on the morning of the 23d, and immediately took possession of Hampton. The horse were proceeding up the road. Such a corps as Major Lee's would be of infinite service to us. Next to a naval force, horse seems to be most capable of protecting a country so intersected by waters.

I am, with the most sincere esteem, your Excellency's most obedient and most humble servant.

TO HIS EXCELLENCY GENERAL WASHINGTON.

RICHMOND, October 26, 1780.

SIR,—The Executive of this State think it expedient, under our present circumstances, that the prisoners of war under the Convention of Saratoga, be removed from their present situation. It will be

impossible, as long as they remain with us, to prevent the hostile army from being reinforced by numerous desertions from this corps; and this expectation may be one among the probable causes of this movement of the enemy. Should, moreover, a rescue of them be attempted, the extensive disaffection which has of late been discovered, and the almost total want of arms in the hands of our good people, render the success of such an enterprise by no means desperate. The fear of this, and the dangerous convulsions to which such an attempt would expose us, divert the attention of a very considerable part of our militia from an opposition to an invading enemy. An order has been, therefore, this day issued to Colonel Wood, to take immediate measures for their removal; and every aid has been, and will be given him, for transporting, guarding, and subsisting them on the road, which our powers can accomplish. Notice hereof is sent to his Excellency Governor Lee, on whose part, I doubt not, necessary preparations will be made.

I have the honor to be, with the greatest esteem and respect, your Excellency's most obedient and most humble servant.

TO GENERAL GATES.

RICHMOND, October 28, 1780.

SIR,—Your letters of the 14th, 20th and 21st have come to hand, and your despatches to Congress have

been regularly forwarded. I shall attend to the caveat against Mr. Ochiltree's bill. Your letter to Colonel Senf remains still in my hands, as it did not come till the enemy had taken possession of the ground, on which I knew him to have been, and I have since no certain information where a letter might surely find him. My proposition as to your bills in favor of the quarter-master, referred to yours of September 27th. I have notified to the Continental quarter-master, your advance of nine hundred dollars to Cooper. As yet, we have received no wagons. I wish Mr. Lambe may have supplied you. Should those from the western quarter not come in, we will authorize him or some other, to procure a relief, in time, for those first impressed. We are upon the eve of a new arrangement as to our commissary's and quarter-master's departments, as the want of money, introducing its substitute force, requires the establishment of a different kind of system.

Since my first information to you of the arrival of an enemy, they have landed about eight hundred men near Portsmouth, some on the bay side of Princess Anne, one thousand at Hampton, and still retained considerable part on board their ships. Those at Hampton, after committing horrid depredations, have again retired to their ships, which, on the evening of the 26th, were strung along the road from New-ports-news, to the mouth of Nansemond, which seems to indicate an intention of coming up

James river. Our information is, that they have from four to five thousand men, commanded by General Leslie, and that they have come under convoy of one forty-gun ship, and some frigates (how many has never been said), commanded by Commodore Rodney. Would it not be worth while to send out a swift boat from some of the inlets of Carolina, to notify the French Admiral that his enemies are in a net, if he has leisure to close the mouth of it? Generals Muhlenburg and Nelson are assembling a force to be ready for them, and General Weeden has come to this place, where he is at present employed in some arrangements. We have ordered the removal of the Saratoga prisoners, that we may have our hands clear for these new guests.

I have the honor to be, with the most perfect esteem and respect, Sir, your most obedient and most humble servant.

TO HIS EXCELLENCY GENERAL WASHINGTON.

RICHMOND, November 3, 1780.

SIR,—Since I had the honor of writing to your Excellency, on the 25th ultimo, the enemy have withdrawn their forces from the North of James River, and have taken post at Portsmouth, which, we learn, they are fortifying. Their highest post is Suffolk, where there is a very narrow and defensible pass between Nansemond river and the Dismal Swamp, which covers the country below, from

being entered by us. More accurate information of their force, than we at first had, gives us reason to suppose them to be from twenty-five hundred to three thousand strong, of which between sixty and seventy are cavalry. They are commanded by General Leslie, and were convoyed by the Romulus, of forty guns, the Blonde, of thirty-two guns, the Delight sloop, of sixteen, a twenty-gun ship of John Goodwick's, and two row gallies, commanded by Commodore Grayton. We are not assured, as yet, that they have landed their whole force. Indeed, they give out themselves, that after drawing the force of this State to Suffolk, they mean to go to Baltimore. Their movements had induced me to think they came with an expectation of meeting with Lord Cornwallis in this country, that his precipitate retreat has left them without a concerted object, and that they were waiting further orders. Information of this morning says, that being informed of Lord Cornwallis's retreat, and a public paper having been procured by them, wherein were printed the several despatches which brought this intelligence from General Gates, they unladed a vessel and sent her off to Charleston immediately. The fate of this army of theirs hangs on a very slender naval force, indeed.

The want of barracks at fort Frederick, as represented by Colonel Wood, the difficulty of getting wagons sufficient to move the whole Convention troops, and the state of uneasiness in which the

regiment of guards is, have induced me to think it would be better to move these troops in two divisions; and as the whole danger of desertion to the enemy, and correspondence with the disaffected in our southern counties, is from the British only, (for from the Germans we have no apprehensions on either head), we have advised Colonel Wood to move on the British in the first division, and to leave the Germans in their present situation, to form a second division, when barracks may be erected at fort Frederick. By these means, the British may march immediately under the guard of Colonel Crochet's battalion, while Colonel Taylor's regiment of guards remains with the Germans. I cannot suppose this will be deemed such a separation as is provided against by the Convention, nor that their officers will wish to have the whole troops crowded into barracks, probably not sufficient for half of them. Should they, however, insist on their being kept together, I suppose it would be the opinion that the second division should follow the first as soon as possible, and that their being exposed, in that case, to a want of covering, would be justly imputable to themselves only. The delay of the second division, will lessen the distress for provisions, which may, perhaps, take place on their first going to the new post, before matters are properly arranged.

I have the honor to be, with great esteem and respect, your Excellency's most obedient and most humble servant.

TO HIS EXCELLENCY GENERAL WASHINGTON.

RICHMOND, November 10, 1780.

SIR,—I inclose your Excellency a copy of an intercepted letter from Major General Leslie, to Lord Cornwallis.[1] It was taken from a person endeavoring to pass through the country from Portsmouth towards Carolina. When apprehended, and a proposal made to search him, he readily consented to be searched, but, at the same time, was observed to put his hand into his pocket and carry something towards his mouth, as if it were a quid of tobacco; it was examined, and found to be a letter, of which the inclosed is a copy, written on silk paper, rolled up in gold-beater's skin, and nicely tied at each end, so as not to be larger than a goose-quill. As this is the first authentic disclosure of their purpose in coming here, and may serve to found, with somewhat more of certainty, conjectures respecting their future movements, while their disappointment in not meeting with Lord Cornwallis may occasion new plans at New York, I thought it worthy of communication to your Excellency.

Some deserters were taken yesterday, said to be

[1] TO LORD CORNWALLIS.

PORTSMOUTH, Virginia, November 4th, 1780.

MY LORD,—I have been here near a week, establishing a post. I wrote to you to Charleston, and by another messenger, by land. I cannot hear, for a certainty, where you are: I wait your orders. The bearer is to be handsomely rewarded, if he brings me any note or mark from your Lordship. A. L.

of the British Convention troops, who have found means to get to the enemy at Portsmouth, and were seventy or eighty miles on their way back to the barracks, when they were taken. They were passing under the guise of deserters from Portsmouth.

I have the honor to be, with the greatest esteem and respect, your Excellency's most obedient and most humble servant.

TO ———.[1]

RICHMOND, November 10, 1780.

SIR,—Your favor of the 3d instant, enclosing Colonel Preston's letter, came to hand on the 8th. The proposals mentioned in the Colonel's letter, for sending volunteers to you, were accepted, and put, as was necessary, into such precise form as that all parties might know what they had a right to expect. In doing this, two circumstances happened to interfere with what had been expected. We required that they should be subject to your orders, and those of such other officer as you should place them under: this was to enable you to make use of them in constituting the corps you had proposed under General Morgan; 2, that there should be two companies of rifles only to each battalion: this was the advice of General Morgan in a conversation with me. We have since dispensed with the last of these conditions, and allowed every man to carry his rifle, as we found

[1 Probably addressed to General Gates.]

that absolutely necessary to induce them to go. Colonel Skiller, of Boletourt, writes me he has 150 engaged, and we shall endeavor to prevail upon Colonel Campbell to raise another corps, in which, if he undertakes it, I trust he will succeed. I am much at a loss what should be done as to the prisoners taken at King's Mountain. I do not think Montgomery Courthouse a good place, because it is very disaffected. It is too near their own country, and would admit their co-operation in any enterprize on our lead mines, which are about eight miles from thence. I have taken measures for continuing their march under a guard northwardly, and in the meantime for receiving instructions from Congress where to terminate their journey The British Convention troops will proceed immediately to Fort Frederick in Maryland. The Germans will remain in Albemarle till accommodations can be provided for them in the same place. From them we have no apprehensions of desertion to the enemy. Some British were taken yesterday, who are said to have been with the enemy, and were returning to the barracks. Two or three days ago, a British emissary from Portsmouth was taken endeavoring to proceed towards Carolina. On a proposal to search him, they observed him to put his hand in his pocket and put something to his mouth like a quid of tobacco. On examination it was found to be a letter, of which the enclosed is a copy, written on silk paper, rolled up in gold beater's skin, and nicely

tied at each end, the whole not larger than a goose-quill. By this you will find our conjectures verified, that they expected to meet with Lord Cornwallis in the neighborhood at least of this county, and are disappointed and without an object. Can you not take measures for finding out the other messenger to Lord Cornwallis, who went by land? The force we shall now immediately have together, authorizes me to assure you, you need not apprehend their penetrating any distance southwardly. I only lament that this measure should have intercepted our reinforcements to you. We have left all the counties south of James River, and nearer to Hillsborough than Portsmouth, uncalled on, that they may be ready to go to the aid of our Southern friends whenever arms can be procured.

I am, with the greatest esteem and respect, Sir, your most obedient and most humble servant.

TO EDWARD STEVENS.

RICHMOND, November 10, 1780.

SIR,—Your two letters of October 24th and October — have been duly received. I have been informed that the beeves which have been collected in Princess Anne and Norfolk, to be sent southwardly, were the first things which fell into the hands of the enemy. We received notice of this invasion a few hours after you left this place, and despatched a letter to recall you, which we expected would have

found you in Petersburg. However, you had gone on, and as there should be a general officer with the men from this State in the Southern service, and we have here three general officers, we have not repeated our call for your assistance. The force called on to oppose the enemy, is as yet in a most chaotic state, consisting of fragments of three months' militia, eight months' men, eighteen months' men, volunteers, and new militia.

Were it possible to arm men, we would send on substantial reinforcements to you, notwithstanding the presence of the enemy with us; but the prospect of arms with us is very bad indeed. I have never received a line from Mr. Lambe as to his success in pressing wagons. None have yet come in from the westward. The Executive were so far from allowing the eight months' men to enlist into the Volunteer Corps, as you say, they pretend they were expressly excluded from it in the several propositions we made for raising volunteers. Nothing of moment has happened here since the arrival of the enemy. General Muhlenburg is at Stoaner's Mills, at the head of Pagan Creek, with our main force. General Nelson is on the north side of James River with another body. General Weeden is gone to join the one or the other. A British emissary was taken two or three days ago with a letter from General Leslie to Lord Cornwallis, informing him he was at Portsmouth, but could not learn where his Lordship was; that he had sent one letter to him to Charlestown by

water, another by land, and waited his orders. Cannot measures be taken to apprehend the messenger who went by land?

I am, with the greatest esteem, Sir, your most humble servant.

TO GENERAL GATES.[1]

RICHMOND, November 19, 1780.

SIR,—The vessel which had been sent by General Leslie to Charlestown, as we supposed, returned about the 12th instant. The enemy began to embark soon after from Portsmouth, and in the night of the 15th, completed the embarkation of their whole force. On the morning of the 16th, some of our people entered Portsmouth. They had left their works unfinished and undestroyed. Great numbers of negroes, who had gone over to them, were left, either for the want of ship-room or through choice. They had not moved from Elizabeth river at 11 o'clock a.m. of the 16th. They gave out that they intended to go up James River; but the precipitate abandoning of works on receipt of some communication or other from Charlestown, was not likely to be for the purpose of coming up James River. I received this intelligence by express from General Muhlenburg yesterday morning. As the enemy's

[1 After the battle of Camden—August 16th, 1780—Congress removed General Gates from the command of the Southern army, and placed General Greene at its head. In December, 1780, he assumed the command.]

situation was such as to give reason to expect every moment a movement in some direction, I delayed sending off notice to you, in hopes that that movement would point out their destination. But no such information being yet come to hand, I think it proper no longer to delay communicating to you so much.

Since writing so far, your favor of the 8th instant comes to hand, accompanied by one from General Stevens at Hillsborough of the 10th—a strange derangement, indeed, our riders have got into, to be nine days coming from Hillsborough. I shall be very happy if the departure of the enemy, which I hourly expect to be confirmed, shall leave us at liberty to send you a substantial reinforcement. The men, being now in the field, may be marched directly southwardly. What may be its precise amount, I cannot say, till I get from General Muhlenburg a return of the eighteen months' men, the eight months' men, and militia, who had been stopped here on their way to the southward, and from General Lawson a return of the volunteers he has engaged to go to the southward.

I have the honor to be, with the greatest esteem, Sir, your most obedient and most humble servant.

TO HIS EXCELLENCY GENERAL WASHINGTON.

RICHMOND, November 26, 1780.

SIR,—I have been honored with your Excellency's letter of the 8th instant. Having found it imprac-

ticable to move, suddenly, the whole Convention troops, British and German, and it being represented that there could not, immediately, be covering provided for them all at Fort Frederick, we concluded to march off the British first, from whom was the principal danger of desertion, and to permit the Germans, who show little disposition to join the enemy, to remain in their present quarters till something further be done. The British, accordingly, marched the 20th instant. They cross the Blue Ridge at Rock Fish Gap, and proceed along that valley. I am to apprise your Excellency, that the officers of every rank, both British and German, but particularly the former, have purchased within this State some of the finest horses in it. You will be pleased to determine, whether it be proper that they carry them within their lines. I believe the Convention of Saratoga entitles them to keep the horses they then had. But I presume none of the line, below the rank of field officers, had a horse. Considering the British will be now at Fort Frederick, and the Germans in Albemarle, Alexandria seems to be the most central point to which there is navigation. Would it not, therefore, be better that the flag vessel, solicited by General Phillips, should go to that place? It is about equally distant from the two posts. The roads to Albemarle are good. I know not how those are which lead to Fort Frederick. Your letter referring me to General Greene, for the mode of constructing light portable boats, unfortunately did not come to

hand till he had left us. We had before determined to have something done in that way, and as they are still unexecuted, we should be greatly obliged by any draughts or hints, which could be given by any person within the reach of your Excellency.

I received advice, that on the 22d instant, the enemy's fleet got all under way, and were standing towards the capes: as it still remained undecided whether they would leave the bay or turn up it, I waited the next stage of information, that you might so far be enabled to judge of their destination. This I hourly expected, but it did not come till this evening, when I am informed they all got out to sea in the night of the 22d. What course they steered afterwards, is not known. I must do their General and Commander the justice to say, that in every case to which their attention and influence could reach, as far as I have been well informed, their conduct was such as does them the greatest honor. In the few instances of wanton and unnecessary devastation, they punished the aggressors.

I have the honor to be,

Your Excellency's most obedient humble servant.

TO EDWARD STEVENS.

RICHMOND, November 26, 1780.

SIR,—The enemy, which lately invaded us, left our capes in the night of the 22d instant. What course they steered afterwards, is not known. Another

fleet of transports, under the command of Admiral Rodney, fell down to the Hook on the 11th instant. As this, as well as the fleet, which lately left us, is destined for Charleston, we shall march from their present encampment all the forces who are so equipped as that they can proceed to distant service. With them, will go on between three and four hundred tents belonging to this State. Three hundred more are on the road from Philadelphia, and as many to follow. As Baron Steuben remains here to organize our forces, I shall be obliged, by special returns of the eighteen months' men, eight months' men, and three months' Militia, which have or shall come unto you as frequently as convenient. The Assembly being now met, will shortly, I hope, furnish us with money, so that we may be once more able to send supplies to the southward. We have collected here, at length, by impress principles, about thirty wagons, which have been delivered to the Continental Quarter-Master, to be sent on with stores to Taylor's Ferry.

I am, with great esteem, sir,

Your most obedient humble servant

TO LT. JOHN LOUIS DE UNGER.[1]

RICHMOND, November 30th, 1780.

SIR,—The letter which covers this, being of a public nature, I wished to acknowledge separately the

[1] One of the Convention prisoners, in Albemarle.]

many things personally obliging to me, expressed in your two letters. The very small amusement which it has been in my power to furnish, in order to lighten some of your heavy hours, by no means merited the acknowledgment you make. Their impression must be ascribed to your extreme sensibility rather than to their own weight. My wishes for your happiness give me participation in your joy at being exchanged, sensibly, however, alloyed by a presentiment of the loss I shall sustain, when I shall again be permitted to withdraw to that scene of quiet retirement, abstracted from which I know no happiness in this world. Your line of life must have given you attachments to objects of a very different nature. When the course of events shall have removed you to distant scenes of action, where laurels, not tarnished with the blood of my country, may be gathered, I shall urge sincere prayers for your obtaining every honor and preferment which may gladden the heart of a soldier. On the other hand, should your fondness for philosophy resume its merited ascendancy, is it impossible to hope that this unexplored country may tempt your residence by holding out materials wherewith to build a fame, founded on the happiness and not the calamities of human nature? Be this as it may, whether philosopher or soldier, I wish you many felicities, and assure you that I am, with great personal esteem, Sir,

Your most obedient, and most humble servant.

TO HIS EXCELLENCY GENERAL WASHINGTON.

RICHMOND, December 15, 1780.

SIR,—I had the honor of writing to your Excellency on the subject of an expedition contemplated by this State, against the British post at Detroit, and of receiving your answer of October the 10th. Since the date of my letter, the face of things has so far changed, as to leave it no longer optional in us to attempt or decline the expedition, but compels us to decide in the affirmative, and to begin our preparations immediately. The army the enemy at present have in the south, the reinforcements still expected there, and their determination to direct their future exertions to that quarter, are not unknown to you. The regular force, proposed on our part to counteract those exertions, is such, either from the real or supposed inability of this State, as by no means to allow a hope that it may be effectual. It is, therefore, to be expected that the scene of war will either be within our country, or very nearly advanced to it; and that our principal dependence is to be on militia, for which reason it becomes incumbent to keep as great a proportion of our people as possible free to act in that quarter. In the meantime, a combination is forming in the westward, which, if not diverted, will call thither a principal and most valuable part of our militia. From intelligence received, we have reason to expect that a confederacy of British and Indians, to the amount of two thousand men, is

formed for the purpose of spreading destruction and dismay through the whole extent of our frontier in the ensuing spring. Should this take place, we shall certainly lose in the South all aids of militia beyond the Blue Ridge, besides the inhabitants who must fall a sacrifice in the course of the savage irruptions.

There seems to be but one method of preventing this, which is, to give the western enemy employment in their own country. The regular force Colonel Clarke already has, with a proper draft from the militia beyond the Alleghany, and that of three or four of our most northern counties, will be adequate to the reduction of Fort Detroit, in the opinion of Colonel Clarke; and he assigns the most probable reasons for that opinion. We have, therefore, determined to undertake it, and commit it to his direction. Whether the expense of the enterprise shall be defrayed by the Continent or State, we will leave to be decided hereafter by Congress, in whose justice we can confide, as to the determination. In the meantime, we only ask the loan of such necessaries as, being already at Fort Pitt, will save time and an immense expense of transportation. These articles shall either be identically or specifically returned; should we prove successful, it is not improbable they may be where Congress would choose to keep them. I am, therefore, to solicit your Excellency's order to the commandant of Fort Pitt, for the articles contained in the annexed list, which shall not be called for until everything is in readiness; after which,

there can be no danger of their being wanted for the post at which they are: indeed, there are few of the articles essential for the defence of the post.

I hope your Excellency will think yourself justified in lending us this aid, without awaiting the effect of an application elsewhere, as such a delay would render the undertaking abortive, by postponing it to the breaking up of the ice in the lake. Independent of the favorable effects, which a successful enterprise against Detroit must produce to the United States, in general, by keeping in quiet the frontier of the northern ones, and leaving our western militia at liberty to aid those of the South, we think the like friendly office performed by us to the States, whenever desired, and almost to the absolute exhausture of our own magazines, give well-founded hopes that we may be accommodated on this occasion. The supplies of military stores, which have been furnished by us to Fort Pitt itself, to the northern army, and, most of all, to the southern, are not altogether unknown to you. I am the more urgent for an immediate order, because Colonel Clarke awaits here your Excellency's answer by the express, though his presence in the western country, to make preparations for the expedition, is so very necessary if you enable him to undertake it. To the above, I must add a request to you to send for us to Pittsburg, persons proper to work the mortars, &c., as Colonel Clarke has none such, nor is there one in this State. They shall be in the pay of this State, from the time they

leave you. Any money necessary for their journey, shall be repaid at Pittsburg, without fail, by the first of March.

At the desire of the General Assembly, I take the liberty of transmitting to you the enclosed resolution; and have the honor to be, with the most perfect esteem and regard, your Excellency's most obedient, and most humble servant.

TO HIS EXCELLENCY GENERAL WASHINGTON.

RICHMOND, January 10, 1781.

SIR,—It may seem odd, considering the important events which have taken place in this State within the course of ten days, that I should not have transmitted an account of them to your Excellency; but such has been their extraordinary rapidity, and such the unremitted attention they have required from all concerned in government, that I do not recollect the portion of time which I could have taken to commit them to paper.

On the 31st of December, a letter, from a private gentleman to General Nelson, came to my hands, notifying, that in the morning of the preceding day, twenty-seven sail of vessels had entered the capes; and from the tenor of the letter, we had reason to expect, within a few hours, further intelligence; whether they were friends or foes, their force, and other circumstances. We immediately despatched General Nelson to the lower country, with powers

to call on the militia in that quarter, or act otherwise as exigencies should require; but waited further intelligence, before we would call for militia from the middle or upper country. No further intelligence came until the 2d instant, when the former was confirmed; it was ascertained they had advanced up James River in Wanasqueak bay. All arrangements were immediately taken, for calling in a sufficient body of militia for opposition. In the night of the 3d, we received advice that they were at anchor opposite Jamestown; we then supposed Williamsburg to be their object. The wind, however, which had hitherto been unfavorable, shifted fair, and the tide being also in their favor, they ascended the river to Kennons' that evening, and, with the next tide, came up to Westover, having, on their way, taken possession of some works we had at Hood's, by which two or three of their vessels received some damage, but which were of necessity abandoned by the small garrison of fifty men placed there, on the enemy's landing to invest the works. Intelligence of their having quitted the station at Jamestown, from which we supposed they meant to land for Williamsburg, and of their having got in the evening to Kennons', reached us the next morning at five o'clock, and was the first indication of their meaning to penetrate towards this place or Petersburg. As the orders for drawing militia here had been given but two days, no opposition was in readiness. Every effort was therefore neces-

sary, to withdraw the arms and other military stores, records, &c., from this place. Every effort was, accordingly, exerted to convey them to the foundry five miles, and to a laboratory six miles, above this place, till about sunset of that day, when we learned the enemy had come to an anchor at Westover that morning. We then knew that this, and not Petersburg was their object, and began to carry across the river everything remaining here, and to remove what had been transported to the foundry and laboratory to Westham, the nearest crossing, seven miles above this place, which operation was continued till they had approached very near. They marched from Westover at two o'clock in the afternoon of the 4th, and entered Richmond at one o'clock in the afternoon of the 5th. A regiment of infantry and about thirty horse continued on, without halting, to the foundry. They burnt that, the boring mill, the magazine and two other houses, and proceeded to Westham; but nothing being in their power there, they retired to Richmond. The next morning, they burned some buildings of public and private property, with what stores remained in them, destroyed a great quantity of private stores, and about twelve o'clock, retired towards Westover, where they encamped within the neck the next day.

The loss sustained is not yet accurately known. As far as I have been able to discover, it consisted, at this place, of about three hundred muskets, some

soldiers' clothing to a small amount, some quarter-master's stores, of which one hundred and twenty sides of leather was the principal article, part of the artificers' tools, and three wagons. Besides which, five brass four pounders which we had sunk in the river, were discovered to them, raised and carried off. At the foundry we lost the greater part of the papers belonging to the Auditor's office, and of the books and papers of the Council office. About five or six tons of powder, as we conjecture, was thrown into the canal, of which there will be a considerable saving by re-manufacturing it. The roof of the foundry was burned, but the stacks of chimneys and furnaces not at all injured. The boring mill was consumed. Within less than forty-eight hours from the time of their landing, and nineteen from our knowing their destination, they had penetrated thirty-three miles, done the whole injury, and retired. Their numbers, from the best intelligence I have had, are about fifteen hundred infantry; and, as to their cavalry, accounts vary from fifty to one hundred and twenty; the whole commanded by the parricide Arnold. Our militia, dispersed over a large tract of country, can be called in but slowly. On the day the enemy advanced to this place, two hundred only were embodied. They were of this town and its neighborhood, and were too few to do anything. At this time they are assembled in pretty considerable numbers on the south side of James River, but are not yet brought to a point. On the

north side are two or three small bodies, amounting in the whole, to about nine hundred men. The enemy were at four o'clock yesterday evening still remaining in their encampment at Westover and Berkeley neck. In the meanwhile, Baron Steuben, a zealous friend, has descended from the dignity of his proper command to direct our smallest movements. His vigilance has, in a great measure, supplied the want of force in preventing the enemy from crossing the river, which might have been very fatal. He has been assiduously employed in preparing equipments for the militia as they should assemble, pointing them to a proper object, and other offices of a good commander. Should they loiter a little longer, and he be able to have a sufficient force, I still flatter myself they will not escape with total impunity. To what place they will point their next exertions we cannot even conjecture. The whole country on the tide waters and some distance from them is equally open to similar insult. I have the honor to be, with every sentiment of respect, your Excellency's most obedient, and most humble servant.

TO HIS EXCELLENCY THE PRESIDENT OF CONGRESS.

RICHMOND, January 15, 1781.

SIR,—As the dangers which threaten our western frontiers the ensuing spring, render it necessary that we should send thither Colonel Crocket's battalion,

at present on guard at Fredericktown, but raised for the western service, I thought it necessary to give your Excellency previous information thereof, that other forces may be provided in time to succeed to their duties. Captain Reid's troop of horse, if necessary, may be continued a while longer on guard.

I have the honor to be, with the greatest respect, your Excellency's most obedient, and most humble servant.

TO HIS EXCELLENCY THE PRESIDENT OF CONGRESS.

RICHMOND, January 15, 1781.

SIR,—I received some time ago from Major Forsyth, and afterwards from you, a requisition to furnish one half of the supplies of provision for the Convention troops, removed into Maryland. I should sooner have done myself the honor of writing to you on this subject, but that I hoped to have laid it before you more fully than could be done in writing, by a gentleman who was to pass on other public business to Philadelphia. The late events in this State having retarded his setting out, I think it my duty no longer to postpone explanation on this head.

You cannot be unapprised of the powerful armies of our enemy, at this time in this and the southern States, and that their future plan is to push their successes in the same quarter, by still larger rein-

forcements. The forces to be opposed to these must be proportionably great, and these forces must be fed. By whom are they to be fed? Georgia and South Carolina are annihilated, at least as to us. By the requisition to us to send provisions into Maryland, it is to be supposed that none are to come to the southern army from any State north of this; for it would seem inconsistent, that while we should be sending North, Maryland and other States beyond that, should be sending their provisions South. Upon North Carolina, then, already exhausted by the ravages of two armies, and on this State, are to depend for subsistence those bodies of men who are to oppose the greater part of the enemy's force in the United States, the subsistence of the German, and of half the British Conventioners. To take a view of this matter on the Continental requisitions of November the 4th, 1780, for specific quotas of provisions, it is observable that North Carolina and Virginia are to furnish 10,475,740 pounds of animal food, and 13,529 barrels of flour, while the States north of these will yield 25,293,810 pounds of animal food, and 106,471 barrels of flour.

If the greater part of the British armies be employed in the South, it is to be supposed that the greater part of the American force will be sent there to oppose them. But should this be the case, while the distribution of the provisions is so very unequal, would it be proper to render it still more so, by

withdrawing a part of our contributions to the support of posts northward of us? It would certainly be a great convenience to us, to deliver a portion of our specifics at Fredericktown, rather than in Carolina; but I leave it to you to judge, whether this would be consistent with the general good or safety. Instead of sending aids of any kind to the northward, it seems but too certain that unless very timely and substantial assistance be received from thence, our enemies are yet far short of the ultimate term of their successes. I beg leave, therefore, to refer to you whether the specifics of Maryland, as far as shall be necessary, had not better be applied to the support of the posts within it, for which its quota is much more than sufficient, or, were it otherwise, whether those of the States north of Maryland had not better be called on, than to detract anything from the resources of the southern opposition, already much too small for the encounter to which it is left. I am far from wishing to count or measure our contributions by the requisitions of Congress. Were they ever so much beyond these, I should readily strain them in aid of any one of our sister States. But while they are so far short of those calls to which they must be pointed in the first instance, it would be great misapplication to divert them to any other purpose; and I am persuaded you will think me perfectly within the line of duty, when I ask a revisal of this requisition.

I have the honor to be, with the greatest respect, sir,

Your most obedient, and most humble servant.

TO HIS EXCELLENCY THE PRESIDENT OF CONGRESS.

RICHMOND, January 17, 1781.

SIR,—I do myself the honor of transmitting to your Excellency a resolution of the General Assembly of this Commonwealth, entered into in consequence of the resolution of Congress of September the 6th, 1780, on the subject of the Confederation. I shall be rendered very happy if the other States of the Union, equally impressed with the necessity of that important convention, shall be willing to sacrifice equally to its completion. This single event, could it take place shortly, would overweigh every success which the enemy have hitherto obtained, and render desperate the hopes to which those successes have given birth.

I have the honor to be, with the most real esteem and respect, your Excellency's most obedient, and most humble servant.

TO THE VIRGINIA DELEGATES IN CONGRESS.

RICHMOND, January 18, 1781.

GENTLEMEN,—I enclose you a Resolution of Assembly, directing your conduct as to the navigation of the Mississippi.

The loss of powder lately sustained by us (about five tons), together with the quantities sent on to the southward, have reduced our stock very low indeed. We lent to Congress, in the course of the last year (previous to our issues for the southern army), about ten tons of powder. I shall be obliged to you, to procure an order from the board of war, for any quantity from five to ten tons, to be sent us immediately from Philadelphia or Baltimore, and to enquire into and hasten, from time to time, the execution of it. The stock of cartridge-paper is nearly exhausted. I do not know whether Captain Irish, or what other officer, should apply for this. It is essential that a good stock should be forwarded, and without a moment's delay. If there be a rock on which we are to split, it is the want of muskets, bayonets and cartouch-boxes.

The occurrences, since my last to the President, are not of any magnitude. Three little rencounters have happened with the enemy. In the first, General Smallwood led on a party of two or three hundred militia, and obliged some armed vessels of the enemy to retire from a prize they had taken at Broadway's, and renewing his attack the next day with a four-pounder or two (for on the first day he had only muskets), he obliged some of their vessels to fall down from City Point to their main fleet at Westover. The enemy's loss is not known; ours was four men wounded. One of the evenings, during their encampment at Westover and Berkeley, their

light horse surprised a party of about one hundred or one hundred and fifty militia at Charles City Court House, killed and wounded four, and took, as has been generally said, about seven or eight. On Baron Steuben's approach towards Hood's, they embarked at Westover; the wind which, till then, had set directly up the river from the time of their leaving Jamestown, shifted in the moment to the opposite point. Baron Steuben had not reached Hood's, by eight or ten miles, when they arrived there. They landed their whole army in the night, Arnold attending in person. Captain Clarke (of Kaskaskias) had been sent on with two hundred and forty men by Baron Steuben, and having properly disposed of them in ambuscade, gave them a deliberate fire, which killed seventeen on the spot, and wounded thirteen. They returned it in confusion, by which we had three or four wounded, and our party being so small and without bayonets, were obliged to retire, on the enemy's charging with bayonets. They fell down to Cobham, whence they carried all the tobacco there (about sixty hogsheads); and the last intelligence was, that on the 16th, they were standing for New-ports-news. Baron Steuben is of opinion, they are proceeding to fix a post in some of the lower counties. Later information has given no reason to believe their force more considerable than we at first supposed. I think, since the arrival of the three transports which had been separated in a storm, they may be considered

as about two thousand strong. Their naval force, according to the best intelligence, is the Charon, of forty-four guns, Commodore Symmonds, the Amphitrite, Iris, Thames, and Charlestown frigates, the Forvey, of twenty guns, two sloops of war, a privateer ship and two brigs. We have about thirty-seven hundred militia embodied, but at present they are divided into three distant encampments: one under General Weeden, at Fredericksburg, for the protection of the important works there; another under General Nelson, at and near Williamsburg; and a third under Baron Steuben, at Cabin Point. As soon as the enemy fix themselves, these will be brought to a point.

I have the honor to be, with very great respect, gentlemen, your most obedient servant.

TO ———.[1]

RICHMOND, January 21, 1781.

SIR,—Acquainted as you are with the treasons of Arnold, I need say nothing for your information, or to give you a proper sentiment of them. You will readily suppose, that it is above all things desirable to drag him from those under whose wing he is now sheltered. On his march to and from this place, I am certain it might have been done with facility by men of enterprise and firmness. I think it may still

[1] This letter has no address, but it was probably to General Muhlenburg.]

be done, though perhaps not quite so easily. Having peculiar confidence in the men from the western side of the mountains, I meant, as soon as they should come down, to get the enterprise proposed to a chosen number of them: such whose courage and whose fidelity would be above all doubt. Your perfect knowledge of those men personally, and my confidence in your discretion, induces me to ask you to pick from among them proper characters, in such numbers as you think best, to reveal to them our desire, and engage them to undertake to seize and bring off this greatest of all traitors. Whether this may be best effected by their going in as friends, and awaiting their opportunity, or otherwise, is left to themselves. The smaller the number the better, so that they be sufficient to manage him. Every necessary caution must be used on their part, to prevent a discovery of their design by the enemy, as, should they be taken, the laws of war will justify against them the most rigorous sentence. I will undertake, if they are successful in bringing him off alive, that they shall receive five thousand guineas reward among them. And to men, formed for such an enterprise, it must be a great incitement to know that their names will be recorded with glory in history, with those of Vanwert, Paulding, and Williams. The enclosed order from Baron Steuben will authorize you to call for and dispose of any force you may think necessary, to place in readiness for covering the enterprise and securing the retreat

of the party. Mr. Newton, the bearer of this, and to whom its contents are communicated in confidence, will provide men of trust to go as guides. These may be associated in the enterprise or not, as you please. But let that point be previously settled, that no difficulties may arise as to the parties entitled to participate of the reward. You know how necessary profound secrecy is in this business, even if it be not undertaken.

TO HIS EXCELLENCY GENERAL WASHINGTON.

RICHMOND, February 8, 1781.

SIR,—I have just received intelligence, which, though from a private hand, I believe is to be relied on, that a fleet of the enemy's ships have entered Cape Fear river, that eight of them had got over the bar, and many others were laying off; and that it was supposed to be a reinforcement to Lord Cornwallis, under the command of General Prevost. This account, which had come through another channel, is confirmed by a letter from General Parsons at Halifax, to the gentleman who forwards it to me. I thought it of sufficient importance to be communicated to your Excellency by the stationed expresses. The fatal want of arms puts it out of our power to bring a greater force into the field, than will barely suffice to restrain the adventures of the pitiful body of men they have at Portsmouth. Should any more be added to them, this country

will be perfectly open to them, by land as well as water.

I have the honor to be, with all possible respect, your Excellency's most obedient and most humble servant.

TO HIS EXCELLENCY GENERAL WASHINGTON.

RICHMOND, February 12, 1781.

SIR,—The enclosed extract of a letter from Governor Nash,[1] which I received this day, being a confirmation of the intelligence I transmitted in a former letter, I take the liberty of transmitting it to your Excellency. I am informed, through a private channel on which I have considerable reliance, that the enemy had landed five hundred troops under the command of a Major Craig, who were joined by a number of disaffected; that they had penetrated forty miles; that their aim appeared to be the magazine at Kingston, from which place they were about twenty miles distant.

Baron Steuben transmits to your Excellency a letter from General Greene, by which you will learn the events which have taken place in that quarter since the defeat of Colonel Tarleton, by General Morgan. These events speak best for themselves, and no doubt will suggest what is necessary to be done to prevent the successive losses of State after State, to which the want of arms and of a regular

[1] Governor of North Carolina.]

soldiery, seem more especially to expose those in the South.

I have the honor to be, with every sentiment of respect, your Excellency's most obedient and most humble servant.

TO HIS EXCELLENCY GENERAL WASHINGTON.

RICHMOND, February 17, 1781.

SIR,—By a letter from General Greene, dated Guilford Court House, February 10th, we are informed that Lord Cornwallis had burnt his own wagons, in order to enable himself to move with greater facility, and had pressed immediately on.[1] The prisoners

[1 General Greene, after taking command of the Southern army, divided his force, and sent one division of it, under General Morgan, to the western part of South Carolina. Cornwallis, who was now nearly prepared to invade North Carolina, unwilling to leave Morgan in his rear, sent Tarleton in pursuit of him. The two detachments met on the 17th of January, 1781, when the battle of Cowpens was fought, and Tarleton defeated. Cornwallis, after the defeat of Tarleton, abandoned the invasion of North Carolina for the present, and started in pursuit of Morgan. Greene, suspecting his intention, hastened to join Morgan, and, after a fatiguing march, effected a junction at Guilford Court House. During this march he was closely pursued by Cornwallis, who, as stated in the above letter, "burnt his own wagons in order to enable himself to move with greater facility." After this junction at Guilford Court House, Greene crossed the Dan, into Virginia—again narrowly escaping the pursuit of Cornwallis, who now retired to Hillsborough, where, erecting the royal standard, he issued his proclamation, inviting the loyalists to join him, and sent Tarleton with a detachment to support a body of them collected between the Havre and Deep Rivers. Greene, having despatched Generals Pickens and Lee to watch the movements of Tarleton, and having been reinforced in Virginia, now returned into North Carolina, and fought the battle of Guilford Court House on the 8th of March, 1781.—ED.]

taken at the Cowpens, were happily saved by the accidental rise of a water-course, which gave so much time as to withdraw them from the reach of the enemy. Lord Cornwallis had advanced to the vicinities of the Moravian towns, and was still moving on rapidly. His object was supposed to be to compel General Greene to an action, which, under the difference of force they had, would probably be ruinous to the latter. General Greene meant to retire by the way of Boyd's ferry, on the Roanoke. As yet he had lost little or no stores or baggage, but they were far from being safe. In the instant of receiving this intelligence, we ordered a reinforcement of militia to him, from the most convenient counties in which there was a hope of finding any arms. Some great event must arise from the present situation of things, which, for a long time, will determine the condition of southern affairs.

Arnold lies close in his quarters. Two days ago, I received information of the arrival of a sixty-four gun ship and two frigates in our bay, being part of the fleet of our good ally at Rhode Island. Could they get at the British fleet here, they are sufficient to destroy them; but these being drawn up into Elizabeth River, into which the sixty-four cannot enter, I apprehend they could do nothing more than block up the river. This, indeed, would reduce the enemy, as we could cut off their supplies by land; but the operation being tedious, would probably be too dangerous for the auxiliary force. Not having

yet had any particular information of the designs of the French Commander, I cannot pretend to say what measures this aid will lead to.

Our proposition to the Cherokee Chiefs, to visit Congress, for the purpose of preventing or delaying a rupture with that nation, was too late. Their distresses had too much ripened their alienation from us, and the storm had gathered to a head, when Major Martin got back. It was determined to carry the war into their country, rather than await it in ours, and thus disagreeably circumstanced, the issue has been successful.

The militia of this State and North Carolina penetrated into their country, burned almost every town they had, amounting to about one thousand houses in the whole, destroyed fifty thousand bushels of grain, killed twenty-nine, and took seventeen prisoners. The latter are mostly women and children.

I enclose your Excellency the particulars as reported to me. Congress will be pleased to determine on Col. Campbell's proposition to build the fort at the confluence of the Holston and Tennessee.

I have the honor to be, &c., your Excellency's most obedient humble servant.

P. S. Since writing the above, I have received information which, though not authentic, deserves attention: that Lord Cornwallis had got to Boyd's ferry on the 14th. I am issuing orders, in consequence, to other counties, to embody and march all

the men they can arm. In this fatal situation, without arms, there will be no safety for the Convention troops but in their removal, which I shall accordingly order. The prisoners of the Cowpens were at New London (Bedford Court House) on the 14th.

TO GENERAL GATES.

RICHMOND, February 17, 1781.

DEAR GENERAL,—The situation of affairs here and in Carolina, is such as must shortly turn up important events, one way or the other. By letter from General Greene, dated Guilford Court House, February the 10th, I learn that Lord Cornwallis, rendered furious by the affair at the Cowpens and the surprise of Georgetown, had burned his own wagons, to enable himself to move with facility, had pressed on to the vicinity of the Moravian towns, and was still advancing. The prisoners, taken at the Cowpens, were saved by a hair's-breadth accident, and Greene was retreating. His force, two thousand regulars, and no militia; Cornwallis's, three thousand. General Davidson was killed in a skirmish. Arnold lies still at Portsmouth with fifteen hundred men. A French sixty-four gun ship, and two frigates of thirty-six each, arrived in our bay three days ago. They would suffice to destroy the British shipping here (a forty-four frigate, and a twenty,) could they get at them. But these are withdrawn up Elizabeth river, which the sixty-four cannot enter. We have ordered about

seven hundred riflemen from Washington, Montgomery and Bedford, and five hundred common militia from Pittsylvania and Henry, to reinforce General Greene; and five hundred new levies will march from Chesterfield Court House, in a few days. I have no doubt, however, that the southwestern counties will have turned out in greater numbers before our orders reach them.

I have been knocking at the door of Congress for aids of all kinds, but especially of arms, ever since the middle of summer. The speaker, Harrison, is gone to be heard on that subject. Justice, indeed, requires that we should be aided powerfully. Yet if they would repay us the arms we have lent them, we should give the enemy trouble, though abandoned to ourselves.

After repeated applications, I have obtained a warrant for your advance money, £18,000, which I have put into the hands of Mr. McAlister, to receive the money from the Treasurer, and carry it to you.

I am, with very sincere esteem, dear Sir, your friend and servant.

TO COLONEL CAMPBELL.

RICHMOND, February 17, 1781.

SIR,—I have received your several favors by Mr. Sathim, and am much pleased at the happy issue of the expedition against the Cherokees. I wish it to be used for the purpose of bringing about peace,

which, under our present circumstances, is as necessary for us, as it can possibly be to them.

If you can effect this, a right should be reserved of building a fort at the confluence of Holston and Tennessee; a matter which we must refer to Congress, as it lies not within our boundary. The prisoners you have taken had better be kept for the purpose of exchanging for any of ours taken by them. Should any surplus be on hand at the conclusion of peace, they should be given up. Nancy Ward seems rather to have taken refuge with you. In this case, her inclination ought to be followed as to what is done with her.

As by our laws, the pay of militia is made the same with that of the Continental troops, and that, by a resolution of Congress, is to be in the new money of March 18th, 1780, or in old money at forty for one, I apprehend you will be paid at that rate. By a late arrangement, the Commissary is directed to have a deputy in every county. I hope that by their means the militia may henceforward be better supplied with provisions when proceeding on an expedition. The fort at Powell's Valley you will please to proceed on. We approve of the company you have raised for patrolling against the Indians and garrisoning the fort.

I am, with much respect, sir, your most obedient servant.

TO HIS EXCELLENCY GENERAL WASHINGTON.

RICHMOND, February 26, 1781.

SIR,—I gave you information in my last letter, that General Greene had crossed the Dan, at Boyd's ferry, and that Lord Cornwallis had arrived at the opposite shore. Large reinforcements of militia having embodied both in front and rear of the enemy, he is retreating with as much rapidity as he advanced; his route is towards Hillsborough. General Greene re-crossed the Dan on the 21st, in pursuit of him. I have the pleasure to inform you, that the spirit of opposition was as universal as could have been wished for. There was no restraint on the numbers that embodied, but the want of arms.

The British at Portsmouth lie close in their lines. The French squadron keep them in by water, and since their arrival, as they put it out of the power of the enemy to cut off our retreat by sending up Nansemond river, our force has been moved down close to their lines.

I have the honor to be, with the greatest respect,
Your most obedient and most humble servant.

TO M. DE MARBOIS.[1]

RICHMOND, March 4th, 1781.

SIR,—I have been honored with your letter of Feb. 5th. Mr. Jones did put into my hands a paper con-

[1 M. de Marbois was attached to the French Legation in Philadelphia.—ED.]

taining sundry inquiries into the present state of Virginia, which he informed me was from yourself, and some of which I meant to do myself the honor of answering.

Hitherto it has been in my power to collect a few materials only, which my present occupations disable me from completing. I mean, however, shortly to be in a condition which will leave me quite at leisure to take them up, when it shall be one of my first undertakings to give you as full information as I shall be able to do on such of the subjects as are within the sphere of my acquaintance. On some of them, however, I trust Mr. Jones will engage abler hands. Those in particular which relate to the commerce of the State, a subject with which I am wholly unacquainted, and which is probably the most important in your plan.

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TO HIS EXCELLENCY GENERAL WASHINGTON.

RICHMOND, March 8th, 1781.

SIR,—I had the pleasure of receiving a letter from General Greene, dated High-rock Ford, February 29th (probably March the 1st), who informs me, that on the night of the 24th Colonel McCall surprised a subaltern's guard at Hart's Mill, killed eight, and wounded and took nine prisoners, and that on the 25th General Pickens and Lieutenant Colonel Lee routed a body of near three hundred Tories on the

Haw river, who were in arms to join the British army, killed upwards of one hundred, and wounded most of the rest, which had a very happy effect on the disaffected in that country.

By a letter from Major Magill, an officer of this State, whom I had sent to General Greene's headquarters for the purpose of giving us regular intelligence, dated Guilford County, March 2d, I am informed that Lord Cornwallis, on his retreat, erected the British standard at Hillsborough, that a number of disaffected under the command of Colonel Piles were resorting to it, when they were intercepted by General Pickens and Lieutenant Colonel Lee, as mentioned by General Greene, and that their commanding officer was among the slain: that Lord Cornwallis, after destroying everything he could, moved down the Haw river from Hillsborough: that General Greene was within six miles of him: that our superiority in the goodness, though not in the number of our cavalry, prevented the enemy from moving with rapidity or foraging. Having been particular in desiring Major Magill to inform me what corps of militia from this State joined General Greene, he accordingly mentioned that seven hundred under General Stevens, and four hundred from Botetourt, had actually joined him; that Colonel Campbell was to join him that day with six hundred, and that Colonel Lynch with three hundred from Bedford, was shortly expected: the last three numbers being riflemen. Besides these mentioned by Major Magill,

General Lawson must, before this, have crossed Roanoke with a body of militia, the number of which has not been stated to me. Report makes them a thousand; but I suppose the number to be exaggerated. Four hundred of our new levies left Chesterfield Court House on the 25th February, and probably would cross the Roanoke about the 1st or 2d of March.

I was honored with your Excellency's letter of February the 21st, within seven days after its date. We have, accordingly, been making every preparation on our part which we are able to make. The militia proposed to co-operate, will be upwards of four thousand from this State, and one thousand or twelve hundred from Carolina, said to be under General Gregory. The enemy are, at this time, in a great measure blockaded by land, there being a force on the east side of Elizabeth river. They suffer for provisions, as they are afraid to venture far, lest the French squadron should be in the neighborhood, and come upon them. Were it possible to block up the river, a little time would suffice to reduce them by want and desertions, and would be more sure in its event than an attempt by storm. I shall be very happy to have it in my power to hand you a favorable account of these two armies in the South.

I have the honor to be, with the greatest esteem and respect, your Excellency's most obedient and most humble servant.

TO HIS EXCELLENCY THE PRESIDENT OF CONGRESS.

RICHMOND, March 19, 1781.

SIR,—I have the honor of enclosing to your Excellency a copy of a letter from General Greene, with some other intelligence received, not doubting your anxiety to know the movements in the South. I find we have deceived ourselves not a little by counting on the whole numbers of the militia which have been in motion, as if they had all remained with General Greene, when, in fact, they seem only to have visited and quitted him.

The Marquis Fayette arrived at New York on the 15th. His troops still remained at the head of the bay, till the appearance of some force which should render their passage down safe.

I have the honor to be, with sentiments of the highest esteem and respect, your Excellency's most obedient and most humble servant.

TO HIS EXCELLENCY THE PRESIDENT OF CONGRESS.

RICHMOND, March 21, 1781.

SIR,—The enclosed letter will inform you of the arrival of a British fleet in the Chesapeake bay.

The extreme negligence of our stationed expresses is no doubt the cause why, as yet, no authentic account has reached us of a general action, which happened on the 15th instant, about a mile and a half from Guilford Court House, between General

Greene and Lord Cornwallis. Captain Singleton, an intelligent officer of Harrison's artillery, who was in the action, has this moment arrived here, and gives the general information that both parties were prepared and desirous for action; the enemy were supposed about twenty-five hundred strong, our army about four thousand. That, after a very warm and general engagement, of about an hour and a half, we retreated about a mile and a half from the field, in good order, having, as he supposed, between two and three hundred killed and wounded: the enemy between five and seven hundred killed and wounded; that we lost four pieces of artillery: that the militia, as well as regulars, behaved exceedingly well: that General Greene, he believes, would have renewed the action the next day, had it not proved rainy, and would renew it as soon as possible, as he supposes: that the whole of his troops, both regulars and militia, were in high spirits and wishing a second engagement: that the loss has fallen pretty equally on the militia and regulars: that General Stevens received a ball through the thigh. Major Anderson, of Maryland, was killed, and Captain Barrett, of Washington's cavalry; Captain Fauntleroy, of the same cavalry, was shot through the thigh, and left on the field.

Captain Singleton, having left the camp the day after the battle, does not speak from particular returns, none such having been then made. I must inform your Excellency from him, till more regular applications can reach you, that they are in *extreme*

want of lead, cartridge paper and thread. I think it improper, however it might urge an instantaneous supply, to repeat to you his statement of the extent of their stock of these articles. In a former letter, I mentioned to you the failure of the vein of our lead mines, which has left the army here in a state of equal distress and danger.

I have the honor to be, with very high respect and esteem, your Excellency's most obedient and most humble servant.

P. S. Look-out boats have been ordered from the seaboard of the eastern shore, to apprise the Commander of the French fleet, on its approach, of the British being in the Chesapeake.

TO HIS EXCELLENCY THE PRESIDENT OF CONGRESS.

IN COUNCIL, RICHMOND, March 26, 1781.

SIR,—The appointment of commissioner to the war office of this State, having lately become vacant, the Executive are desirous to place Colonel William Davies, of the Virginian Continentals, in that office. This gentleman, however, declines undertaking it, unless his rank in the army, half pay for life and allowance for depreciation of pay, can be reserved to him; observing with justice, that these emoluments, distant as they are, are important to a person who has spent the most valuable part of his youth in the service of his country. As this indulgence rests in the power of Congress alone, I am induced to request

it of them on behalf of the State, to whom it is very interesting that the office be properly filled, and I may say, on behalf of the Continent also, to whom the same circumstance is interesting, in proportion to its reliance upon this State for supplies to the southern war. We should not have given Congress the trouble of this application, had we found it easy to call any other to the office, who was likely to answer our wishes in the exercise of it.

I have the honor to be, with sentiments of the highest respect, your Excellency's most obedient and most humble servant.

TO HIS EXCELLENCY THE PRESIDENT OF CONGRESS.

RICHMOND, March 28, 1781.

SIR,—I forward to your Excellency, under cover with this, copies of letters received from Major General Greene and Baron Steuben, which will give you the latest account of the situation of things with us and in North Carolina.

I observe a late resolve of Congress, for furnishing a number of arms to the southern States; and I lately wrote you on the subject of ammunition and cartridge paper. How much of this State, the enemy thus reinforced, may think proper to possess themselves of, must depend on their own moderation and caution, till these supplies arrive. We had hoped to receive by the French squadron under Monsieur Destouches, eleven hundred stand of arms, which

we had at Rhode Island, but were disappointed. The necessity of hurrying forward the troops intended for the southern operations, will be doubtless apparent from this letter.

I have the honor to be, with the greatest respect, your Excellency's most obedient and most humble servant.

TO HIS EXCELLENCY THE PRESIDENT OF CONGRESS.

RICHMOND, March 31, 1781.

SIR,—The letters and papers accompanying this will inform your Excellency of the arrival of a British flag vessel with clothing, refreshments, money, &c., for their prisoners, under the Convention of Saratoga. The gentlemen conducting them, have, on supposition that the prisoners, or a part of them, still remained in this State, applied to me by letters, copies of which I transmit your Excellency, for leave to allow water transportation as far as possible, and then, for themselves to attend them to the post where they are to be issued. These indulgences were usually granted them here, but the prisoners being removed, it becomes necessary to transmit the application to Congress for their direction. In the meantime, the flag will wait in James river.

Our intelligence from General Greene's camp as late as the 24th, is, that Lord Cornwallis's march of the day before had decided his route to Cross creek.

The amount of the reinforcements to the enemy,

arrived at Portsmouth, is not yet known with certainty. Accounts differ from fifteen hundred to much larger numbers. We are informed they have a considerable number of horse. The affliction of the people for want of arms is great; that of ammunition is not yet known to them. An apprehension is added, that the enterprise on Portsmouth being laid aside, the troops under the Marquis Fayette will not come on. An enemy three thousand strong, not a regular in the State, nor arms to put in the hands of the militia, are, indeed, discouraging circumstances.

I have the honor to be, with sentiments of the highest respect, your Excellency's most obedient and most humble servant.

TO HIS EXCELLENCY THE PRESIDENT OF CONGRESS.

RICHMOND, April 7, 1781.

SIR,—Hearing that our arms from Rhode Island have arrived at Philadelphia, I have begged the favor of our Delegates to send them on in wagons immediately, and, for the conveyance of my letter, have taken the liberty of setting the Continental line of expresses in motion, which I hope our distress for arms will justify, though the errand be not purely Continental.

I have nothing from General Greene later than the 27th of March; our accounts from Portsmouth vary

the reinforcements. which came under General Phillips, from twenty-five hundred to three thousand. Arnold's strength before, was, I think, reduced to eleven hundred. They have made no movement as yet. Their preparation of boats is considerable; whether they mean to go southwardly or up the river, no leading circumstance has yet decided.

I have the honor to be, with the highest respect, your Excellency's most obedient and most humble servant.

TO HIS EXCELLENCY THE PRESIDENT OF CONGRESS.

IN COUNCIL, April 18, 1781.

SIR,—I was honored, yesterday, with your Excellency's favor enclosing the resolutions of Congress of the 8th instant, for removing stores and provisions from the counties of Accomack and Northampton. We have there no military stores, except a few muskets in the hands of the militia. There are some collections of forage and provisions belonging to the Continent, and some to the State, and the country there, generally, furnishes an abundance of forage. But such is the present condition of Chesapeake Bay that we cannot even get an advice boat across it with any certainty, much less adventure on transportation. Should, however, any interval happen, in which these articles may be withdrawn, we shall certainly avail ourselves of it, and bring thence whatever we can.

If I have been rightly informed, the horses there are by no means such, as that the enemy could apply them to the purposes of cavalry. Some large enough for the draught may, perhaps, be found, but of these not many.

I have the honor to be, with the greatest respect, your Excellency's most obedient and most humble servant.

TO HIS EXCELLENCY GENERAL WASHINGTON.

RICHMOND, April 23, 1781.

SIR,—On the 18th instant, the enemy came from Portsmouth up James river, in considerable force, though their numbers are not yet precisely known to us. They landed at Burwell's ferry, below Williamsburg, and also a short distance above the mouth of Chickahominy. This latter circumstance obliged Colonel Innis, who commanded a body of militia, stationed on that side the river to cover the country from depredation, to retire upwards, lest he should be placed between their two bodies. One of these entered Williamsburg on the 20th, and the other proceeded to a ship-yard we had on Chickahominy. What injury they did there, I am not yet informed. I take for granted, they have burned an unfinished twenty-gun ship we had there. Such of the stores, belonging to the yard as were movable, had been carried some miles higher up the river. Two small gallies also retired up the river. Whether

by this, either the stores or gallies were saved, is yet unknown. I am just informed, from a private hand, that they left Williamsburg early yesterday morning. If this sudden departure was not in consequence of some circumstance of alarm unknown to us, their expedition to Williamsburg has been unaccountable. There were no public stores at that place, but those which were necessary for the daily subsistence of the men there. Where they mean to descend next, the event alone can determine. Besides harassing our militia with this kind of war, the taking them from their farms at the interesting season of planting their corn, will have an unfortunate effect on the crop of the ensuing year.

I have heard nothing certain of General Greene since the 6th instant, except that his head-quarters were on Little river on the 11th.

I have the honor to be, with the highest respect and esteem, your Excellency's most obedient and most humble servant.

TO HIS EXCELLENCY GENERAL WASHINGTON.

RICHMOND, May 9, 1781.

SIR,—Since the last letter which I had the honor of addressing to your Excellency, the military movements in this State, except a very late one, have scarcely merited communication.

The enemy, after leaving Williamsburg, came directly up James river and landed at City Point, being the point of land on the southern point of the confluence of Appomattox and James rivers. They marched upon Petersburg, where they were received by Baron Steuben, with a body of militia somewhat under one thousand, who, though the enemy were two thousand and three hundred strong, disputed the ground very handsomely two hours, during which time the enemy gained only one mile, and that by inches. Our troops were then ordered to retire over a bridge, which they did in perfectly good order. Our loss was between sixty and seventy, killed, wounded, and taken. The enemy's is unknown, but it must be equal to ours; for their own honor they must confess this, as they broke twice and run like sheep, till supported by fresh troops. An inferiority in number obliged our force to withdraw about twelve miles upwards, till more militia should be assembled. The enemy burned all the tobacco in the warehouses at Petersburg and its neighborhood. They afterwards proceeded to Osborne's, where they did the same, and also destroyed the residue of the public armed vessels, and several of private property, and then came to Manchester, which is on the hill opposite this place.

By this time, Major General Marquis Fayette having been advised of our danger, had, by forced marches, got here with his detachment of Continental troops; and reinforcements of militia having also

come in, the enemy, finding we were able to meet them on equal footing, thought proper to burn the warehouses and tobacco at Manchester, and retire to Warwick, where they did the same. Ill armed and untried militia, who never before saw the face of an enemy, have, at times, during the course of this war, given occasions of exultation to our enemies, but they afforded us, while at Warwick, a little satisfaction in the same way. Six or eight hundred of their picked men of light infantry, with General Arnold at their head, having crossed the river from Warwick, fled from a patrole of sixteen horse, every man into his boat as he could, some pushing North, some South, as their fears drove them. Their whole force then proceeded to the Hundred, being the point of land within the confluence of the two rivers, embarked, and fell down the river. Their foremost vessels had got below Burwell's ferry on the 6th instant, when, on the arrival of a boat from Portsmouth, and a signal given, the whole crowded sail up the river again with a fair wind and tide, and came to anchor at Brandon; there six days' provision was dealt out to every man; they landed, and had orders to march an hour before day the next morning. We have not yet heard which way they went, or whether they have gone, but having, about the same time, received authentic information that Lord Cornwallis had, on the 1st instant, advanced from Wilmington half way to Halifax, we have no doubt, putting all circumstances together, that these two armies are forming a junction.

We are strengthening our hands with militia, as far as arms, either public or private, can be collected, but cannot arm a force which may face the combined armies of the enemy. It will, therefore, be of very great importance that General Wayne's forces be pressed on with the utmost despatch. Arms and a naval force, however, are what must ultimately save us. This movement of our enemies we consider as most perilous in its consequences.

Our latest advices from General Greene were of the 26th ult., when he was lying before Camden, the works and garrison of which were much stronger than he had expected to find them.

I have the honor to be, with great respect, your Excellency's most obedient humble servant.

TO THE VIRGINIA DELEGATES IN CONGRESS.

IN COUNCIL, May 10, 1781.

GENTLEMEN,—A small affair has taken place between the British commanding officer in this State, General Phillips, and the Executive, of which, as he may endeavor to get rid of it through the medium of Congress, I think it necessary previously to apprise you.

General Scott obtained permission from the Commandant at Charleston, for vessels with necessary supplies to go from hence to them, but instead of sending the original, sent only a copy of the permis-

sion taken by his brigade major. I applied to General Phillips to supply this omission by furnishing a passport for the vessel. Having just before taken great offence at a threat of retaliation in the treatment of prisoners, he enclosed his answer to my letter under this address, "To Thomas Jefferson, Esq., American Governor of Virginia." I paused on receiving the letter, and for some time would not open it; however, when the miserable condition of our brethren in Charleston occurred to me, I could not determine that they should be left without the necessaries of life, while a punctilio should be discussing between the British General and myself; and, knowing that I had an opportunity of returning the compliment to Mr. Phillips in a case perfectly corresponding, I opened the letter.

Very shortly after, I received, as I expected, the permission of the board of war, for the British flag vessel then in Hampton Roads with clothing and refreshments, to proceed to Alexandria. I enclosed and addressed it, "To William Phillips, Esq., commanding the British forces in the Commonwealth of Virginia." Personally knowing Phillips to be the proudest man of the proudest nation on earth, I well know he will not open this letter; but having occasion, at the same time, to write to Captain Gerlach, the flag-master, I informed him that the Convention troops in this State should perish for want of necessaries, before any should be carried to them through this State, till General Phillips either

swallowed this pill of retaliation, or made an apology for his rudeness. And in this, should the matter come ultimately to Congress, we hope for their support.

He has the less right to insist on the expedition of his flag, because his letter, instead of enclosing a passport to expedite ours, contained only an evasion of the application, by saying he had referred it to Sir Henry Clinton, and in the meantime, he has come up the river, and taken the vessel with her loading, which we had chartered and prepared to send to Charleston, and which wanted nothing but the passport to enable her to depart.

I would further observe to you, that this gentleman's letters to the Baron Steuben first, and afterwards to the Marquis Fayette, have been in a style so intolerably insolent and haughty, that both these gentlemen have been obliged to inform him, that if he thinks proper to address them again in the same spirit, all intercourse shall be discontinued.

I am, with great respect and esteem, Gentlemen,

Your most obedient servant

TO HIS EXCELLENCY GENERAL WASHINGTON.

CHARLOTTESVILLE, May 28, 1781.

SIR,—I make no doubt you will have heard, before this shall have the honor of being presented to your Excellency, of the junction of Lord Cornwallis with the force at Petersburg under Arnold, who had suc-

ceeded to the command on the death of Major-general Phillips. I am now advised that they have evacuated Petersburg, joined at Westover a reinforcement of two thousand men just arrived from New York, crossed James River, and on the 26th instant, were three miles advanced on their way towards Richmond; at which place, Major-General the Marquis Fayette lay with three thousand men, regulars and militia: these being the whole number we could arm, until the arrival of the eleven hundred arms from Rhode Island, which are, about this time, at the place where our public stores are deposited. The whole force of the enemy within this State, from the best intelligence I have been able to get, is, I think, about seven thousand men, infantry and cavalry, including, also, the small garrison left at Portsmouth. A number of privateers, which are constantly ravaging the shores of our rivers, prevent us from receiving any aid from the counties lying on navigable waters; and powerful operations meditated against our western frontier, by a joint force of British and Indian savages, have, as your Excellency before knew, obliged us to embody between two and three thousand men in that quarter. Your Excellency will judge from this state of things, and from what you know of our country, what it may probably suffer during the present campaign. Should the enemy be able to produce no opportunity of annihilating the Marquis's army, a small proportion of their force may yet restrain his movements effec-

tually while the greater part are employed, in detachment, to waste an unarmed country, and lead the minds of the people to acquiesce under those events which they see no human power prepared to ward off. We are too far removed from the other scenes of war to say, whether the main force of the enemy be within this State. But I suppose they cannot anywhere spare so great an army for the operations of the field. Were it possible for this circumstance to justify in your Excellency a determination to lend us your personal aid, it is evident, from the universal voice, that the presence of their beloved countryman, whose talents have so long been successfully employed in establishing the freedom of kindred States, to whose person they have still flattered themselves they retained some right, and have ever looked up, as their *dernier resort* in distress, would restore full confidence of salvation to our citizens, and would render them equal to whatever is not impossible. I cannot undertake to foresee and obviate the difficulties which lie in the way of such a resolution. The whole subject is before you, of which I see only detached parts; and your judgment will be formed on a view of the whole. Should the danger of this State and its consequence to the Union, be such, as to render it best for the whole that you should repair to its assistance, the difficulty would then be, how to keep men out of the field. I have undertaken to hint this matter to your Excellency, not only on my own

sense of its importance to us, but at the solicitations of many members of weight in our legislature, which has not yet assembled to speak their own desires.

A few days will bring to me that relief which the constitution has prepared for those oppressed with the labors of my office, and a long declared resolution of relinquishing it to abler hands, has prepared my way for retirement to a private station: still, as an individual, I should feel the comfortable effects of your presence, and have (what I thought could not have been) an additional motive for that gratitude, esteem, and respect, with which I have the honor to be, your Excellency's most obedient humble servant.

TO THE MARQUIS LA FAYETTE.

MONTICELLO, August 4, 1781.

SIR,—I am much obliged by the trouble you took in forwarding to me the letter of his Excellency, the President of Congress. It found me in Bedford, an hundred miles southward of this, where I was confined till within these few days, by an unfortunate fall from my horse. This has occasioned the delay of the answer which I now take the liberty of enclosing to you, as the confidential channel of conveyance, pointed out by the President.

I thank you also for your kind sentiments and friendly offer on the occasion, which, that I cannot avail myself of, has given me more mortification than almost any occurrence of my life. I lose an

opportunity, the only one I ever had, and perhaps ever shall have, of combining public service with private gratification. Of seeing countries whose improvements in science, in arts, and in civilization, it has been my fortune to admire at a distance, but never to see, and at the same time of lending some aid to a cause, which has been handed on from its first organization to its present stage, by every effort of which my poor faculties were capable. These, however, have not been such as to give satisfaction to some of my countrymen, and it has become necessary for me to remain in the State till a later period in the present year, than is consistent with an acceptance of what has been offered me.[1] Declining higher objects, therefore, my only one must be to show that suggestion and fact are different things, and that public misfortune may be produced as well by public poverty and private disobedience to the laws, as by the misconduct of public servants.[2] The independence of private life under the protection of republican laws will, I hope, yield me the happiness from which no slave is so remote as the minister of

[1 On the 15th of June, 1781, Mr. Jefferson was appointed, with Mr. Adams, Dr. Franklin, Mr. Jay, and Mr. Laurens, Minister Plenipotentiary for negotiating peace, then expected to be effected through the mediation of the Empress of Russia.—Ed.]

[2 In 1781, the depredations of the enemy, and the public and private losses which they occasioned, produced the ordinary effect of complaint against those who had charge of the public defence, and especially against Mr. Jefferson (the Governor of Virginia). A popular clamor was excited against him, and, under the impulses of the moment, Mr. George Nicholas, a member from Albemarle, moved his impeachment.

a commonwealth. From motives of private esteem as well as public gratitude, I shall pray it to be your lot in every line of life, as no one can with more truth subscribe himself with the highest regard and respect, Sir, your most obedient, and most humble servant.

TO EDMUND RANDOLPH, ESQ.

MONTICELLO, September 16, 1781.

DEAR SIR,—I have received your letter of the 7th instant. That, mentioned to have been sent by the preceding post, has not come to hand, nor two others, which Mrs. Randolph informs me you wrote before you left Virginia, nor indeed any others, should you have been so kind as to have written any others. When I received the first letter from the President of Congress, enclosing their resolution, and mentioning the necessity of an expeditious departure, my determination to attend at the next session of the Assembly offered a ready and insuperable

The charges were, 1. That he had not, as soon as advised by General Washington of the meditated invasion, put the country in a state of preparation and defence; 2. That during the invasion, he did not use the means of resistance which were at his command; 3. That he too much consulted his personal safety, when Arnold first entered Richmond, by which others were dispirited and discouraged; 4. That he ignominiously fled from Monticello to the neighboring mountain on Tarleton's approach to Charlottesville; and 5. That he abandoned the office of Governor as soon as it became one of difficulty and danger.

Mr. Jefferson has been long since acquitted of these charges by the almost unanimous voice of his countrymen.—ED.]

obstacle to my accepting of that appointment, and left me under no necessity of deliberating with myself whether, that objection being removed, any other considerations might prevent my undertaking it. I find there are many, and must, therefore, decline it altogether. Were it possible for me to determine again to enter into public business, there is no appointment whatever which would have been so agreeable to me. But I have taken my final leave of everything of that nature. I have retired to my farm, my family and books, from which I think nothing will evermore separate me. A desire to leave public office, with a reputation not more blotted than it has deserved, will oblige me to emerge at the next session of our Assembly, and perhaps to accept of a seat in it. But as I go with a single object, I shall withdraw when that shall be accomplished. I should have thought that North Carolina, rescued from the hands of Britain, Georgia and almost the whole of South Carolina recovered, would have been sufficiently humiliating to induce them to treat with us. If this will not do, I hope the stroke is now hanging over them which will satisfy them that their views of Southern conquests are likely to be as visionary as those of Northern. I think it impossible Lord Cornwallis should escape. Mrs. Randolph will be able to give you all the news on this subject, as soon as you shall be able to release her from others. I am, with much esteem, dear Sir your friend and servant.

TO GENERAL WASHINGTON.

MONTICELLO, October 28th, 1781.

SIR,—I hope it will not be unacceptable to your Excellency to receive the congratulations of a private individual on your return to your native country, and, above all things, on the important success which has attended it.[1] Great as this has been, however, it can scarcely add to the affection with which we have looked up to you. And if, in the minds of any, the motives of gratitude to our good allies were not sufficiently apparent, the part they have borne in this action must amply evince them. Notwithstanding the state of perpetual decrepitude to which I am unfortunately reduced, I should certainly have done myself the honor of paying my respects to you personally; but I apprehend these visits, which are meant by us as marks of our attachment to you, must interfere with the regulations of a camp, and be particularly inconvenient to one whose time is too precious to be wasted in ceremony.

I beg you to believe me among the sincerest of those who subscribe themselves, your Excellency's most obedient and most humble servant.

TO GENERAL GATES.

RICHMOND, December 14th, 1781.

DEAR SIR,—I have received your friendly letters of August 2d and November 15th, and some of the

[1 The battle of Yorktown.]

gentlemen to whom you wished them to be communicated not being here, I have taken the liberty of handing them to some others, so as to answer the spirit of your wish. It seems likely to end, as I ever expected it would, in a final acknowledgment that good dispositions and arrangements will not do without a certain degree of bravery and discipline in those who are to carry them into execution. This, the men whom you commanded, or the greater part of them at least, unfortunately wanted on that particular occasion.

I have not a doubt but that, on a fair enquiry, the returning justice of your countrymen will remind them of Saratoga, and induce them to recognize your merits. My future plan of life scarcely admits a hope of my having the pleasure of seeing you at your seat; yet I assuredly shall do it should it ever lie within my power, and am assured that Mrs. Jefferson will join me in sincere thanks for your kind sentiments and invitation, and in expressions of equal esteem for Mrs. Gates and yourself, and in a certain hope that, should any circumstance lead you within our reach, you will make us happy by your company at Monticello. We have no news to communicate. That the Assembly does little, does not come under that description.

I am, with very sincere esteem, dear sir your friend and servant.

TO JAMES MADISON.

MONTICELLO, March 24th, 1782.

DEAR SIR,—I have received from you two several favors, on the subject of the designs against the territorial rights of Virginia.[1] I never before could comprehend on what principle our rights to the western country could be denied, which would not, at the same time, subvert the right of all the States to the whole of their territory. What objections may be founded on the charter of New York, I cannot say, having never seen that charter, nor been able to get a copy of it in this country. I had thought to have seized the first leisure on my return from the last Assembly, to have considered and stated our rights, and to have communicated to our delegates, or perhaps to the public, so much as I could trace, and expected to have derived some assistance from ancient MSS., which I have been able to collect. These, with my other papers and books, however, had been removed to Augusta to be out of danger from the enemy, and have not yet

[1 The title of Virginia to the Northwestern territory was controverted, as early as 1779, by some of the other States, upon the ground that all lands, the title of which had originally been in the crown and had never been alienated, were the common property of the Confederation, by right of conquest—the revolution having transferred the title from the British sovereign to the Confederation. This view was resisted by Virginia in an able remonstrance to Congress in October, 1779. The question, however, never came to an issue; for Virginia, moved by a patriotic impulse, and ready to sacrifice her individual interest to the general good, made a voluntary cession of the whole territory to the Confederation.]

been brought back. The ground on which I now find the question to be bottomed is so unknown to me that it is out of my power to say anything on the subject. Should it be practicable for me to procure a copy of the charter of New York, I shall probably think on it, and would cheerfully communicate to you whatever could occur to me worth your notice. But this will probably be much too late to be of any service before Congress, who doubtless will decide, ere long, on the subject. I sincerely wish their decision may tend to the preservation of peace. If I am not totally deceived in the determination of this country, the decision of Congress, if unfavorable, will not close the question. I suppose some people on the western waters, who are ambitious to be Governors, &c., will urge a separation by authority of Congress. But the bulk of the people westward are already thrown into great ferment by the report of what is proposed, to which I think they will not submit. This separation is unacceptable to us in form only, and not in substance. On the contrary, I may safely say it is desired by the eastern part of our country whenever their western brethren shall think themselves able to stand alone. In the meantime, on the petition of the western counties, a plan is digesting for rendering their access to government more easy. I trouble you with the enclosed to Mons. Marbois. I had the pleasure of hearing that your father and family were all well yesterday, by your brother, who is

about to study the law in my neighborhood. I shall always be glad to hear from you, and, if it be possible for me, retired from public business, to find anything worth your notice, I shall communicate it with great pleasure.

I am with sincere esteem, dear Sir, your friend and servant.

JAMES MONROE TO THOMAS JEFFERSON.

RICHMOND, 11th of May, 1782.

DEAR SIR,—As I so lately wrote you by Mr. Short, and have since daily expected to see you here, I did not propose writing to you till after I should have that pleasure; but as I begin to fear you will not abate that firmness and decision which you have frequently shown in the service of your country, even upon this occasion, and as I have had an opportunity since I last wrote of being better informed of the sentiments of those whom I know you put the greatest value on, I think it my duty to make you acquainted therewith. It is publicly said here, that the people of your country informed you that they had frequently elected you in times of less difficulty and danger than the present to please you; but that now they had called you forth into public office to serve themselves. This is a language which has been often used in my presence; and you will readily conceive that, as it furnishes

those who argue on the fundamental maxims of a Republican government with ample field for declamation, the conclusion has always been, that you should not decline the service of your country. The present is generally conceived to be an important era, which, of course, makes your attendance particularly necessary. And as I have taken the liberty to give you the public opinion and desire upon this occasion, and as I am warmly interested in whatever concerns the public interest or has relation to you, it will be necessary to add, it is earnestly the desire of, dear Sir,

Your sincere friend and obedient servant.

TO COLONEL JAMES MONROE.

MONTICELLO, May 20th, 1782.

DEAR SIR,—I have been gratified with your two favors of the 6th and 11th inst. It gives me pleasure that your county has been wise enough to enlist your talent into their service. I am much obliged by the kind wishes you express of seeing me also in Richmond, and am always mortified when anything is expected from me which I cannot fulfill, and more especially if it relate to the public service. Before I ventured to declare to my countrymen my determination to retire from public employment, I examined well my heart to know whether it were thoroughly cured of every principle of political

ambition, whether no lurking particle remained which might leave me uneasy, when reduced within the limits of mere private life. I became satisfied that every fibre of that passion was thoroughly eradicated. I examined also, in other views, my right to withdraw. I considered that I had been thirteen years engaged in public service—that, during that time, I had so totally abandoned all attention to my private affairs as to permit them to run into great disorder and ruin—that I had now a family advanced to years which require my attention and instruction—that, to these, was added the hopeful offspring of a deceased friend, whose memory must be forever dear to me, and who have no other reliance for being rendered useful to themselves or their country—that by a constant sacrifice of time, labor, parental and friendly duties, I had, so far from gaining the affection of my countrymen, which was the only reward I ever asked or could have felt, even lost the small estimation I had before possessed.

That, however I might have comforted myself under the disapprobation of the well-meaning but uninformed people, yet, that of their representatives was a shock on which I had not calculated. That this, indeed, had been followed by an exculpatory declaration. But, in the meantime, I had been suspected in the eyes of the world, without the least hint then or afterwards being made public, which might restrain them from supposing that I stood

arraigned for treason of the heart, and not merely weakness of the mind; and I felt that these injuries, for such they have been since acknowledged, had inflicted a wound on my spirit which will only be cured by the all-healing grave. If reason and inclination unite in justifying my retirement, the laws of my country are equally in favor of it. Whether the State may command the political services of all its members to an indefinite extent, or, if these be among the rights never wholly ceded to the public power, is a question which I do not find expressly decided in England. Obiter dictums on the subject I have indeed met with, but the complexion of the times in which these have dropped would generally answer them. Besides that, this species of authority is not acknowledged in our possession.

In this country, however, since the present government has been established, the point has been settled by uniform, pointed and multiplied precedents. Offices of every kind, and given by every power, have been daily and hourly declined and resigned from the Declaration of Independence to this moment. The General Assembly has accepted these without discrimination of office, and without ever questioning them in point of right. If the difference between the office of a delegate and any other could ever have been supposed, yet in the case of Mr. Thompson Mason, who declined the office of delegate, and was permitted so to do by

the House, that supposition has been proved to be groundless. But, indeed, no such distinction of offices can be admitted. Reason, and the opinions of the lawyers, putting all on a footing as to this question, and so giving to the delegate the aid of all the precedents of the refusal of other offices. The law then does not warrant the assumption of such a power by the State over its members. For if it does, where is that law? Nor yet does reason. For though I will admit that this does subject every individual, if called on, to an equal tour of political duty, yet it can never go so far as to submit to it his whole existence. If we are made in some degree for others, yet, in a greater, are we made for ourselves. It were contrary to feeling, and indeed ridiculous to suppose that a man had less rights in himself than one of his neighbors, or indeed all of them put together. This would be slavery, and not that liberty which the bill of rights has made inviolable, and for the preservation of which our government has been charged. Nothing could so completely divest us of that liberty as the establishment of the opinion, that the State has a perpetual right to the services of all its members. This, to men of certain ways of thinking, would be to annihilate the blessings of existence, and to contradict the Giver of life, who gave it for happiness and not for wretchedness. And certainly, to such it were better that they had never been born. However, with these, I may think public service and private misery insep-

arably linked together, I have not the vanity to count myself among those whom the State would think worth oppressing with perpetual service. I have received a sufficient memento to the contrary. I am persuaded that, having hitherto dedicated to them the whole of the active and useful part of my life, I shall be permitted to pass the rest in mental quiet. I hope, too, that I did not mistake modes any more than the matter of right when I preferred a simple act of renunciation, to the taking sanctuary under those disqualifications (provided by the law for other purposes indeed but) affording asylum also for rest to the wearied. I dare say you did not expect by the few words you dropped on the right of renunciation to expose yourself to the fatigue of so long a letter, but I wished you to see that, if I had done wrong, I had been betrayed by a semblance of right at least. I take the liberty of enclosing to you a letter for General Chattellux, for which you will readily find means of conveyance. But I mean to give you more trouble with the one to Pelham, who lives in the neighborhood of Manchester, and to ask the favor of you to send it by your servant—express—which I am in hopes may be done without absenting him from your person, but during those hours in which you will be engaged in the house. I am anxious that it should be received immediately. * * * * * * * It will give me great pleasure to see you here whenever you can favor us with your company. You will find me still

busy, but in lighter occupations. But in these and all others you will find me to retain a due sense of your friendship, and to be, with sincere esteem, dear Sir,

Your most obedient and most humble servant.

TO ROBERT R. LIVINGSTON.

CHESTERFIELD, November 26, 1782.

SIR,—I received yesterday the letter with which you have been pleased to honor me, enclosing the resolution of Congress of the 12th instant, renewing my appointment as one of their ministers plenipotentiary for negotiating a peace—and beg leave, through you, to return my sincere thanks to that august body, for the confidence they are pleased to repose in me, and to tender the same to yourself for the obliging manner in which you have notified it.[1] I will employ in this arduous charge, with diligence

[1 Mr. Jefferson's reasons for now accepting this appointment, which he had previously declined, are thus explained by himself:—"I had, about two months before, lost the cherished companion of my life [his wife], in whose affection, unabated on both sides, I had lived the last ten years in unchequered happiness." On the 19th of December, 1782, he left Monticello for Philadelphia, where he intended to embark for Europe; but the French Minister Luzerne, offering him a passage in the French frigate Romulus, then lying below Baltimore, he accepted the offer. The sailing of this frigate being delayed by ice, and a British fleet on the coast, information, in the meantime, reached America that a provisional treaty of peace had been signed by the American Commissioners, to become absolute on the conclusion of peace between France and England. On the arrival of this information, Mr. Jefferson was released from his mission, and returned to his home in Virginia on the 15th May, 1783.—ED.]

and integrity, the best of my poor talents, which I am conscious are far short of what it requires. This, I hope, will ensure to me from Congress a kind construction of all my transactions. And it gives me no small pleasure, that my communications will pass through the hands of a gentleman with whom I have acted in the earlier stages of this contest, and whose candor and discernment I had the good fortune then to approve and esteem. Your letter finds me at a distance from home, attending my family under inoculation. This will add to the delay which the arrangements of my particular affairs would necessarily occasion. I shall lose no moment, however, in preparing for my departure, and shall hope to pay my respects to Congress and yourself at some time between the 20th and the last of December.

I have the honor to be, with very great esteem and respect, dear Sir, your most obedient and most humble servant.

TO THE CHEVALIER DE CHATTELLUX.

AMPHILL, November 26, 1782.

DEAR SIR,—I received your friendly letters of — and June 30th, but the latter not till the 17th of October. It found me a little emerging from the stupor of mind which had rendered me as dead to the world as was she whose loss occasioned it.[1] Your letter recalled to my memory that there were

[1 The death of Mrs. Jefferson.]

persons still living of much value to me. If you should have thought me remiss in not testifying to you sooner, how deeply I had been impressed with your worth in the little time I had the happiness of being with you, you will, I am sure, ascribe it to its true cause, the state of dreadful suspense in which I have been kept all the summer, and the catastrophe which closed it

Before that event, my scheme of life had been determined. I had folded myself in the arms of retirement, and rested all prospects of future happiness on domestic and literary objects. A single event wiped away all my plans, and left me a blank which I had not the spirits to fill up. In this state of mind an appointment from Congress found me, requiring me to cross the Atlantic. And that temptation might be added to duty, I was informed, at the same time, from his Excellency the Chevalier de Luzerne, that a vessel of force would be sailing about the middle of December in which you would be passing to France. I accepted the appointment, and my only object now is, to so hasten over those obstacles which would retard my departure, as to be ready to join you in your voyage—fondly measuring your affection by my own, and presuming your consent. It is not certain that I can, by any exertion, be in Philadelphia by the middle of December—the contrary is most probable. But hoping it will not be much later, and counting on those procrastinations which usually attend the departure of vessels

of size, I have hopes of being with you in time. This will give me full leisure to learn the result of your observations on the natural bridge, to communicate to you my answers to the enquiries of Monsieur de Marbois, to receive edification from you on these and other subjects of science; considering chess, too, as a matter of science. Should I be able to get out in tolerable time, and any extraordinary delays attend the sailing of the vessel, I shall certainly do myself the honor of waiting on his Excellency the Count de Rochambeau, at his head-quarters, and assuring him in person of my high respect and esteem for him—an object of which I have never lost sight. To yourself, I am unable to express the warmth of those sentiments of friendship and attachment with which I have the honor, to be dear Sir,

Your most obedient and most humble servant.

TO MR. STEPTOE.

November 26, 1782.

Dear Sir,—I received in August your favor, wherein you give me hopes of being able to procure for me some of the big bones. I should be unfaithful to my own feeling, were I not to express to you how much I am obliged by your attention to the requests I made you on that subject. A specimen of each of the several species of bones now to be found, is to me the most desirable objects in natural

history. And there is no expense of package or of safe transportation which I will not gladly reimburse, to procure them safely. Elk horns of very extraordinary size, or anything else uncommon, would be very acceptable. You will hear of my going to Europe, but my trip there will be short. I mention this, lest you should hesitate forwarding any curiosities to me. New London in Bedford, Staunton in Augusta, or Frederick County, are places from whence I can surely get them. Any observations of your own on the subject of the big bones or their history, or on anything else in the western country, will come acceptably to me, because I know you see the works of nature in the great and not merely in detail. Descriptions of animals, vegetables, minerals, or other curious things; notes as to the Indians' information of the country between the Mississippi and waters of the South Sea, &c., &c., will strike your mind as worthy being communicated. I wish you had more time to pay attention to them. I perceive by your letter, you are not unapprized that your services to your country have not made due impression on every mind. That you have enemies, you must not doubt, when you reflect that you have made yourself eminent. If you meant to escape malice, you should have confined yourself within the sleepy line of regular duty. When you transgressed this, and enterprised deeds which will hand down your name with honor to future times, you made yourself a mark for envy and malice to shoot at. Of these

there is enough, you know, both in and out of office. I was not a little surprised, however, to find one person hostile to you, as far as he has personal courage to show hostility to any man. Who he is, you will probably have heard, or may know him by this description—as being all tongue without either head or heart. In the variety of his crooked schemes, however, his interest may probably veer about, so as to put it in your power to be useful to him. In which case, he certainly will be your friend again, if you want him. That you may long continue a fit object for his enmity, and for that of every person of his complexion in the State, which I know can only be by your continuing to do good to your country and to acquire honor to yourself, is the earnest prayer of one who subscribes himself, with great truth and sincerity, dear Sir,

Your friend and servant.

TO JAMES MADISON.

AMPHILL, IN CHESTERFIELD,
November 26th, 1782.

DEAR SIR,—Your favor by Colonel Basset is not yet come to hand. The intimation through the attorney, I received the day before Colonel Bland's arrival, by whom I am honored with yours of the 14th inst. It finds me at this place attending my family under inoculation. This will of course retard those

arrangements of my domestic affairs, which will of themselves take time and cannot be made but at home. I shall lose no time, however, in preparing for my departure. And from the calculation I am at present enabled to make, I suppose I cannot be in Philadelphia before the 20th of December, and that possibly it may be the last of that month. Some days I must certainly pass there, as I could not propose to jump into the midst of a negotiation without a single article of previous information. From these data, you will be enabled to judge of the chance of availing myself of his Excellency, the Chevalier de Luzerne's, kind offers, to whom I beg you to present my thanks for his friendly attention, and let him know I shall use my best endeavors to be in time for the departure of his frigate. No circumstances of a private nature could induce me to hasten over the several obstacles to my departure more unremitting than the hope of having the Chevalier de Chattellux as a companion in my voyage. A previous acquaintance with his worth and abilities, had impressed me with an affection for him which, under the then prospect of never seeing him again, was perhaps imprudent.

I am with very sincere esteem, dear Sir, your very affectionate friend, and humble servant.

TO GEORGE WASHINGTON.

PHILADELPHIA, January 22d, 1783.

SIR,—Having lately received a call from Congress to pass the Atlantic in the character of their minister for negotiating peace, I cannot leave the continent without separating myself for a moment from the general gratitude of my country, to offer my individual tribute to your Excellency for all you have suffered and all you have effected for us. Were I to indulge myself in those warm effusions which this subject forever prompts, they would wear an appearance of adulation very foreign to my nature; for such is become the prostitution of language that sincerity has no longer distinct terms in which to express her own truths. Should you give me occasion, during the short mission on which I go, to render you any service beyond the water, I shall, for a proof of my gratitude, appeal from language to the zeal with which I shall embrace it. The negotiations to which I am joined may perhaps be protracted beyond our present expectations, in which case, though I know you must receive much better intelligence from the gentlemen whose residence there has brought them into a more intimate acquaintance with the characters and views of the European courts, yet I shall certainly presume to add my mite, should it only serve to convince you of the warmth of those sentiments of respect and esteem with which I have the honor to be, your Excellency's most obedient, and most humble servant.

TO THE CHEVALIER DE LA LUZERNE, MINISTER OF FRANCE.

BALTIMORE, February 7th, 1783.

SIR,—The Chevalier de Ville Brun was so kind as to communicate to me yesterday your Excellency's letter to him of January, together with the intelligence therein referred to. I feel myself bound to return you my thanks, for your orders to the Guadeloupe frigate to receive me, if I should think a passage should be hazarded under present circumstances. According to this information (which is the most worthy of credit of any we have received here), it would seem that our capture would be unavoidable were we to go out now. This, therefore, is a risk to which I cannot think of exposing his Majesty's vessel and subjects; however I might be disposed to encounter personal hazards, from my anxiety to execute, with all the promptitude in my power, a service which has been assigned to me. I shall therefore wait with patience the arrival of the moment when the Chevalier de Ville Brun shall be of opinion that the one or the other of the vessels may venture out without any greater risk than he shall think proportioned to her proper object, independently of mine. It has been suggested to me this evening, that perhaps their safe departure might be greatly forwarded by their falling down to York, or Hampton, there to be ready at a moment's warning, to avail themselves of those favorable circumstances which the present season sometimes offers.

But of this, yourself will be the proper judge. I cannot close my letter without expressing to you my obligations to the Chevalier de Ville Brun for the particular attention he has shown to my accommodation on board his ship. The apartments he has had constructed for me are ample and commodious, and his politeness and deportment as an officer are an agreeable presage of everything that shall depend on him. I have delivered to him the two large packets you were pleased to put into my hands, and he will dispose of them according to your orders.

I have the honor to be, with the highest sentiments of esteem, your Excellency's most obedient, and most humble servant.

TO ROBERT R. LIVINGSTON, SECRETARY FOR FOREIGN AFFAIRS.

BALTIMORE, February 7, 1783.

SIR,—I arrived here on the 30th of the last month, and had a short interview the same evening with the Chevalier de Ville Brun, commander of the Ramilies. There appeared at that time little apprehension but that we might sail in a few days, but we were not very particular in our conference, as we expected to see each other again. The severity of the cold, however, which commenced that night, obliged the Chevalier de Ville Brun to fall twelve miles below this place, and excluded all correspondence with him till yesterday, when I found means to get through the ice on

board his ship. He then communicated to me, by direction of his Excellency, the minister of France, intelligence as to the number and force of the cruisers now actually watching the capes of the Chesapeake. I must acknowledge that the appearances are such as to render a capture certain were we to hazard it. The minister was pleased at the same time to submit the Guadeloupe to my wishes, if I chose to adventure. I take the liberty of troubling you with a copy of my letter to him on that subject. I should certainly be disposed to run very considerable risks myself to effect my passage; but should think it an unfortunate introduction to an ally, who has already done so much for us, were I to add to his losses and disbursements that of a valuable ship and crew. I wish that the present delay offered some period less distant than the lassitude of an avaricious enemy to watch for prey. Perhaps you may be able to put me on some more expeditious mode of passage than the one under which I am acquiescing at present. I shall be much pleased to adopt any such which may come recommended from you, without regard to personal risk or trouble. In the meantime, any intelligence which you can collect and will be pleased to give me as to the state of our coast, will be of utility in determining whether and when we shall depart hence.

I have the honor to be with very great esteem and respect, Sir, your most obedient and most humble servant.

P. S. Your letter of the 31st ultimo came safely to hand with the packet to Mr. Adams accompanying it.

GEORGE WASHINGTON TO THE HONORABLE THOMAS JEFFERSON.

NEWBURGH, 10th February, 1783.

DEAR SIR,—I have been honored with your favor of 22d of January from Philadelphia. I feel myself much flattered by your kind remembrance of me in the hour of your departure from this continent, for the favorable sentiments you are pleased to entertain of my services for this our common country. To merit the approbation of good and virtuous men is the height of my ambition, and will be a full compensation for all my toils and sufferings in the long and painful contest in which we have been engaged. It gave me great pleasure to hear that the call upon you from Congress to pass the Atlantic in the character of one of their ministers for negotiating peace had been repeated; but I hope you will have found the business already done. The speech of his Britannic Majesty is strongly indicative of the olive branch; and yet, as he observes, unforeseen events may place it out of reach. At present, the prospect of peace absorbs, or seems to do so, every other consideration among us; and would, it is to be feared, leave us in a very unprepared state to continue the war, if the negotiations at Paris should terminate

otherwise than in a general pacification. But I will hope that it is the dearth of other news that fills the mouths of every person with peace, while their minds are employed in contemplating on the means of prosecuting the war, if necessity should drive us to it. You will please to accept my grateful thanks for your obliging offer of services during your stay in France. To hear from you frequently will be an honor and very great satisfaction to, dear Sir, your most obedient, and most humble servant.

ROBERT R. LIVINGSTON TO THOMAS JEFFERSON.

PHILADELPHIA, 14th February, 1783.

SIR,—I have delayed in answering your favor of the 7th instant until I could obtain the sense of Congress on the matter it contains. I conceive it hardly possible, while the British cruisers retain their present station, for you to elude their vigilance in either of the ships offered to your choice. This, concurring with the late advices from England, has induced Congress to pass the enclosed resolution.[1] We have

[1] BY THE UNITED STATES IN CONGRESS ASSEMBLED:

February 14, 1783.

The committee consisting of Mr. Jones, Mr. Rutledge, and Mr. Wilson, to whom was referred a letter of the 7th from the Honorable Thomas Jefferson, reported thereon, whereupon on motion of Mr. Gorham, seconded by Mr. Wolcott, ordered: That the Secretary for Foreign Affairs inform Mr. Jefferson, that it is the pleasure of Congress, considering the advices lately received in America and the probable situation of affairs in Europe, that he do not proceed on his intended voyage until he shall receive their further instructions.

CHARLES THOMPSON, (copied)
Secretary.

reason to conjecture that peace is already concluded; whether it is or not, a few days will determine. I transmit the speech of his Britannic Majesty, which, with what you already know of the state of our negotiations, will enable you to form your opinion on the same ground that we do. I have the honor to be, Sir, with great respect and esteem, your most obedient, and most humble servant.

TO R. R. LIVINGSTON.

BALTIMORE, February 14, 1783.

SIR,—I apprised you in my former letter of the causes which had so long delayed my departure. These still continue. I have this moment received a printed copy of his British Majesty's speech to his Parliament, by which we learn that the preliminaries between Great Britain and America, among which is one for the acknowledgment of our independence, have been provisionally agreed to on his part. That the negotiations with the other powers at war were considerably advanced, and that he hoped, in a very short time, they would end in terms of pacification. As considerable progress has been made in the negotiations for peace since the appointment with which Congress were pleased to honor me, it may have become doubtful whether any communications I could make or any assistance I could yield to the very able gentlemen in whose hands the business already is, would compensate the expense of prose-

cuting my voyage to Europe. I therefore beg leave through you, Sir, to assure Congress that I desire this question to be as open to them now as it was on the day of my appointment, and that I have not a wish either to go or to stay. They will be pleased to weigh the economy of the one measure against the chance which the other may offer of my arriving in such time as that any communications which have been confided to me may produce effect on definitive articles. I shall continue here for the prosecution of my voyage, under the orders before received, or for its discontinuance, should that be more eligible to Congress, and be signified at any moment before my departure. I have the honor to be, &c.

ROBERT R. LIVINGSTON TO THOMAS JEFFERSON.

PHILADELPHIA, February 18, 1783.

SIR,—I was yesterday honored with your favor of the 14th, which I shall lay before Congress this morning. As you have by this time received their resolution which I had the honor to send you by the last post, and again enclosed, you will be relieved in some measure from your embarrassments, though not entirely of your suspense with respect to their final determination. But that cannot be long doubtful, since the negotiations have certainly arrived at such a crisis as either to terminate soon in a peace or a total rupture. In the latter case, you will necessarily be obliged to proceed on your voyage, as Congress

seems anxious to avail themselves of your abilities and information in the negotiations, unless they are fully assured that a speedy peace will preclude them from that advantage.

I enclose a paper which contains all that we have yet received on that interesting subject. It may, perhaps, be difficult to account for our ministers having signed before those of France. But if this letter is genuine, it serves, when compared with their instructions, to prove that the terms of peace are acceptable to us and not disagreeable to France. I have the honor to be, Sir, with great respect and esteem, your most obedient, and most humble servant.

TO THE HON. R. R. LIVINGSTON.

PHILADELPHIA, March 13, 1783.

SIR,—Supposing the despatches received by the Washington, may have enabled Congress to decide on the expediency of continuing, or of countermanding my mission to Europe, I take the liberty of expressing to you the satisfaction it will give me to receive their ultimate will, so soon as other business will permit them to revert to this subject.[1] I have the honor, &c.

[1 The following resolution was passed by Congress relative to Mr. Jefferson's mission to Europe.—ED.]

BY THE UNITED STATES IN CONGRESS ASSEMBLED:

April 1st, 1783.

Resolved, That the Secretary for Foreign Affairs inform the Hon. Thomas Jefferson, in answer to his letter of the 13th of March, that

TO JOHN JAY.

PHILADELPHIA, April 11, 1783.

DEAR SIR,—In a letter which I did myself the honor of writing to you by the Chevalier de Chattellux, I informed you of my being at this place, with the intention of joining you in Paris. But the uncommon vigilance of the enemy's cruisers, immediately after the departure of the French fleet, deterred every vessel from attempting to go out. The arrival of the preliminaries soon after showed the impropriety of my proceeding, and I am just now setting out on my return to Virginia. I cannot, however, take my departure, without paying to yourself and your worthy colleague my homage for the good work you have completed for us, and congratulating you on the singular happiness of having borne so distinguished a part both in the earliest and latest transactions of this revolution. The terms obtained for us are indeed great, and are so deemed by your country—a few ill-designing debtors excepted. I am in hopes you will continue at some one of the European courts most agreeable to yourself, that we may still have the benefit of your talents. I took the liberty

Congress consider the object of his appointment so far advanced as to render it unnecessary for him to pursue his voyage, and that Congress are well satisfied with the readiness he has shown in undertaking a service which from the present situation of affairs they apprehend can be dispensed with. Extracts from the minutes,

CHARLES THOMPSON, (copied)
Secretary.

in my letter of suggesting a wish that you would be so kind as to engage lodgings for me. Should you have given yourself this trouble, I beg leave to return you my thanks, and to ask the favor of you to communicate the amount of their hire to Mr. Robert Morris, of this city, who will immediately remit it to you, as I lodge money in his hands for this purpose. Accept my warmest wishes for your happiness, and be assured of the sincerity with which I have the honor to be, dear Sir, your most obedient, and most humble servant.

P. S. I beg to be affectionately remembered to Dr. F. and Mr. A., if they be still with you.

TO HIS EXCELLENCY GENERAL WASHINGTON.

ANNAPOLIS, April 16, 1784.

DEAR SIR,—I received your favor of April 8th, by Colonel Harrison. The subject of it is interesting, and, so far as you have stood connected with it, has been matter of anxiety to me; because, whatever may be the ultimate fate of the institution of the Cincinnati, in its course, it draws to it some degree of disapprobation. I have wished to see you standing on ground separated from it, and that the character which will be handed to future ages at the head of our Revolution, may, in no instance, be compromitted in subordinate altercations. The subject has been at the point of my pen in every letter I have

written to you, but has been still restrained by the reflection that you had among your friends more able counsellors, and, in yourself, one abler than them all. Your letter has now rendered a duty what was before a desire, and I cannot better merit your confidence than by a full and free communication of facts and sentiments, as far as they have come within my observation. When the army was about to be disbanded, and the officers to take final leave, perhaps never again to meet, it was natural for men who had accompanied each other through so many scenes of hardship, of difficulty, and danger, who, in a variety of instances, must have been rendered mutually dear by those aids and good offices, to which their situations had given occasion; it was natural, I say, for these to seize with fondness any proposition which promised to bring them together again, at certain and regular periods. And this, I take for granted, was the origin and object of this institution; and I have no suspicion that they foresaw, much less intended, those mischiefs which exist, perhaps in the forebodings of politicians only. I doubt, however, whether, in its execution, it would be found to answer the wishes of those who framed it, and to foster those friendships it was intended to preserve. The members would be brought together at their annual assemblies, no longer to encounter a common enemy, but to encounter one another in debate and sentiment. For something, I suppose, is to be done at these meetings, and, however unimportant, it will

suffice to produce difference of opinion, contradiction and irritation. The way to make friends quarrel is to put them in disputation under the public eye. An experience of near twenty years has taught me, that few friendships stand this test, and that public assemblies, where every one is free to act and speak, are the most powerful looseners of the bands of private friendship. I think, therefore, that this institution would fail in its principal object, the perpetuation of the personal friendships contracted through the war.

The objections of those who are opposed to the institution shall be briefly sketched. You will readily fill them up. They urge that it is against the Confederation—against the letter of some of our constitutions—against the spirit of all of them;—that the foundation on which all these are built, is the natural equality of man, the denial of every pre-eminence but that annexed to legal office, and, particularly, the denial of a pre-eminence by birth; that, however, in their present dispositions, citizens might decline accepting honorary instalments into the order, a time may come, when a change of dispositions would render these flattering, when a well-directed distribution of them might draw into the order all the men of talents, of office and wealth, and in this case, would probably procure an ingraftment into the government; that in this, they will be supported by their foreign members, and the wishes and influence of foreign courts; that experience has

shown that the hereditary branches of modern governments are the patrons of privilege and prerogative, and not of the natural rights of the people, whose oppressors they generally are; that, besides these evils, which are remote, others may take place more immediately; that a distinction is kept up between the civil and military, which it is for the happiness of both to obliterate; that when the members assemble they will be proposing to do something, and what that something may be, will depend on actual circumstances; that being an organized body, under habits of subordination, the first obstruction to enterprise will be already surmounted; that the moderation and virtue of a single character have probably prevented this Revolution from being closed, as most others have been, by a subversion of that liberty it was intended to establish; that he is not immortal, and his successor, or some of his successors, may be led by false calculation into a less certain road to glory.

What are the sentiments of Congress on this subject, and what line they will pursue, can only be stated conjecturally. Congress, as a body, if left to themselves, will, in my opinion, say nothing on the subject. They may, however, be forced into a declaration by instructions from some of the States, or by other incidents. Their sentiments, if forced from them, will be unfriendly to the institution. If permitted to pursue their own path, they will check it by side-blows whenever it comes in their way, and

in competitions for office, on equal or nearly equal ground, will give silent preferences to those who are not of the fraternity. My reasons for thinking this are, 1. The grounds on which they lately declined the foreign order proposed to be conferred on some of our citizens. 2. The fourth of the fundamental articles of constitution for the new States. I enclose you the report; it has been considered by Congress, recommitted and reformed by a committee, according to sentiments expressed on other parts of it, but the principle referred to, having not been controverted at all, stands in this as in the original report; it is not yet confirmed by Congress. 3. Private conversations on this subject with the members. Since the receipt of your letter, I have taken occasion to extend these; not, indeed, to the military members, because, being of the order, delicacy forbade it, but to the others pretty generally; and among these, I have as yet found but one who is not opposed to the institution, and that with an anguish of mind, though covered under a guarded silence, which I have not seen produced by any circumstance before. I arrived at Philadelphia before the separation of the last Congress, and saw there and at Princeton some of its members, not now in delegation. Burke's piece happened to come out at that time, which occasioned this institution to be the subject of conversation. I found the same impressions made on them which their successors have received. I hear from other quarters that it

is disagreeable, generally, to such citizens as have attended to it, and, therefore, will probably be so to all, when any circumstance shall present it to the notice of all.

This, Sir, is as faithful an account of sentiments and facts as I am able to give you. You know the extent of the circle within which my observations are at present circumscribed, and can estimate how far, as forming a part of the general opinion, it may merit notice, or ought to influence your particular conduct.

It remains now to pay obedience to that part of your letter, which requests sentiments on the most eligible measures to be pursued by the society, at their next meeting. I must be far from pretending to be a judge of what would, in fact, be the most eligible measures for the society. I can only give you the opinions of those with whom I have conversed, and who, as I have before observed, are unfriendly to it. They lead to these conclusions: 1. If the society proceed according to its institution, it will be better to make no applications to Congress on that subject, or any other, in their associated character. 2. If they should propose to modify it, so as to render it unobjectionable, I think this would not be effected without such a modification as would amount almost to annihilation; for such would it be to part with its inheritability, its organization, and its assemblies. 3. If they shall be disposed to discontinue the whole, it would remain with them to

determine whether they would choose it to be done by their own act only, or by a reference of the matter to Congress, which would infallibly produce a recommendation of total discontinuance.

You will be sensible, Sir, that these communications are without reserve. I supposed such to be your wish, and mean them but as materials, with such others as you may collect, for your better judgment to work on. I consider the whole matter as between ourselves alone, having determined to take no active part in this or anything else, which may lead to altercation, or disturb that quiet and tranquillity of mind, to which I consign the remaining portion of my life. I have been thrown back by events, on a stage where I had never more thought to appear.[1] It is but for a time, however, and as a

[1 Mr. Jefferson being released from his mission to Europe on account of the news of peace, and having returned to Virginia, was again appointed by the Legislature a delegate to Congress on the 6th of June, 1783. On the 3d of the following November he arrived at Trenton, where Congress was then sitting, and took his seat on the 4th, on which day that body adjourned to meet at Annapolis on the 26th. Mr. Jefferson remained in the discharge of his duties as a delegate until the 7th of May, 1784, when Congress, having determined to add a third minister plenipotentiary to Mr. Adams and Dr. Franklin, conferred the appointment on him. On the 6th of August, 1784, he reached Paris. The purpose for which he had been associated with Mr. Adams and Dr. Franklin was to negotiate commercial treaties with the European nations. In June, 1785, Mr. Adams removed to London as our minister at that court, and Dr. Franklin obtained permission to return to America, thus leaving Mr. Jefferson our only representative at Paris in the character of minister plenipotentiary. Here he remained until the 26th of September, 1789, something more than five years, when he took leave of Paris, and landed at Norfolk in the latter part of November.—Ed.]

day laborer, free to withdraw, or be withdrawn at will. While I remain, I shall pursue in silence the path of right, but in every situation, public or private, I shall be gratified by all occasions of rendering you service, and of convincing you there is no one to whom your reputation and happiness are dearer than to, Sir,

Your most obedient, and most humble servant.

The following letters,[1] *written by Jefferson before his mission to Europe, were not included in the Congressional Edition of* 1853:

TO WILLIAM FLEMING.[2]

RICHMOND, 1763.

DEAR WILL,—From a crowd of disagreeable companions, among whom I have spent three or four of the most tedious hours of my life, I retire into Gunn's bed-chamber to converse in black and white with an absent friend. I heartily wish you were here that I might converse with a Christian once more before I die; for die I must this night unless I should be relieved by the arrival of some sociable fellow. But I will now endeavor to forget my present sufferings and think of what is more agreeable to both of us. Last

[1] These letters, however, were included in an edition of Jefferson's Writings edited by the late Paul Leicester Ford. This edition, published by G. P. Putnam's Sons, was limited to 750 sets, and is now out of print.

[2] This letter was first published in the *Southern Literary Messenger*, and was probably written by Jefferson in Richmond during the month of September, 1763.

Saturday I left Ned Carters where I had been happy in other good company, but particularly that of Miss Jenny Taliaferro: and though I can view the beauties of this world with the most philosophical indifference, I could not but be sensible of the justice of the character you had given me of her. She is in my opinion a great resemblance of Nancy Wilton, but prettier. I was vastly pleased with her playing on the spinnette and singing, but could not help calling to mind those sublime verses of the Cumberland genius.

> Oh! I was charmed to see
> Orpheus' music all in thee.

When you see Patsy Dandridge, tell her "God bless her." I do not like the ups and downs of a country life: to-day you are frolicking with a fine girl and to-morrow you are moping by yourself. Thank God! I shall shortly be where my happiness will be less interrupted. I shall salute all the girls below in your name, particularly Sukey Potter. Dear Will, I have thought of the cleverest plan of life that can be imagined. You exchange lands for Edgehill, or I mine for Fairfields, you marry S——y P——r, I marry R——a B——l join and get a pole chair and a pair of keen horses, practise the law in the same courts, and drive about to all the dances in the country together. How do you like it? Well I am sorry you are at such a distance I cannot hear your answer, but however you must let me know it by the first oppor-

tunity, and all the other news in the world which you imagine will affect me. I am, dear Will,

Yours affectionately,

TO COLONEL WILLIAM PRESTON.[1]

STAUNTON, Aug. 18, 1768.

DEAR SIR,—I sit down to petition your suffrage in favor of a friend whose virtues and abilities have made him much to me, and will give him equal place in your esteem whenever you have an opportunity of becoming acquainted with them. The gentleman I speak of is the Rev. James Fontaine, who offers himself as a candidate for the place of chaplain to the House of Burgesses. I do not wish to derogate from the merit of the gentleman who possessed the office last, but I cannot help hoping that every friend of genius, when the other qualities of the competitors are equal, will give a preference to superior abilities; integrity of heart and purity of manners recommend Messrs. Price and Fontaine equally to our esteem, but in acuteness of penetration, accuracy of judgment, elegance of composition, propriety of performing the divine service, and in every work of genius, the former is left a great distance behind the latter. I do not ask your favor on a bare assurance of this from me, but from that knowledge of Mr. Fontaine's superiority, which you will obtain on enquiring of

[1] The original of this letter belongs to the collection of Dr. Thomas Addis Emmet, of New York.

others. I have heard that the other has been possessed of the office; an argument which with you will need no confutation. These small preferments should be reserved to reward and encourage genius, and not be strewed with an indiscriminating hand among the common herd of competitors.

TO PEYTON RANDOLPH.

ALBEMARLE, July 23, 1770.

HONORABLE SIR,—I am to beg the favor of your friendly interposition in the following case, which I hope you will think sufficient to excuse the freedom of the application. Some time last fall Mr. Jas. Ogilvie purposing to go for orders made the usual application to the commissary for his recommendatory letter to the bishop. The commissary finding him somewhat deficient in his Greek expressed some doubts whether he could recommend him. Ogilvie to remove them did, without thought to be sure, make use of a very unfortunate argument, mentioning to the commissary the case of Stevenson who without understanding a word of Greek had been lately recommended. The commissary took flame at the hint and peremptorily refused his recommendation. In several subsequent visits Ogilvie attempted to soften him and did at length prevail so far as to obtain a promise that he would not oppose his ordination with the bishop. With this assurance, and with an actual nomination to a parish in his pocket he took his

departure. But whether the commissary's frame is such as that he does not feel the obligations of an engagement or whether he really thought he had done wrong in entering it I cannot say, but before Ogilvie reached London he had lodged a letter with the bishop in which were these words "Mr. Ogilvie applied to me last spring for a recommendation to your Lordship for holy orders. For reasons which then existed I refused him. He has now applied to me a second time, as these reasons are not removed I have denied him again but he goes home in opposition." Nothing could have been more artfully contrived to do him a prejudice. The bishop observed to Colonel Mercer, who had espoused Ogilvie's interest with some warmth that had Mr. Horrocks mentioned his objections, it would have left him to judge whether they were such as he might have overlooked; but that a charge so general laid his whole character open to censure in such a manner as to put it out of his power to vindicate it. This young gentleman seems to have been guided through life by the hand of misfortune itself. Some hard fatality which presides over all his measures has rendered abortive every scheme which either his prudence or the anxiety of his friends have ever proposed for his advancement. His present undertaking was peculiarly unfortunate. Before he went to London he paid a visit to his father a Presbyterian minister in Aberdeen, who received him with all the joy with which an absence of many years could in-

spire a parent. Yet, so wonderful is the dominion of bigotry over her votaries that on the first information of his purpose to receive Episcopal ordination he shut him from his doors and abjured every parental duty. Thus rejected by that hand from which he had expected some assistance necessary even for the short residence on that side of the water which he had then in contemplation he hastened to London, and there received the last stroke which fortune had in reserve for him. The distresses of his situation operating on a mind uncommonly sensible to the pains as well as to the pleasures of life may be conceived even by those to whom fortune has been kinder. There he still remains then, and there he must remain (for it is his last stake) till the commissary can be prevailed on either to withdraw his opposition or to explain the grounds of it, or till we can take such other measures as may counteract its malignity. The former is the easier and shorter relief to Ogilvie's distress and it is not impossible but that the commissary may by this time be disposed to assist him. For this purpose I have ventured to ask your interposition with him on behalf of this gentleman in whose cause I have warm feelings. This liberty I have taken with you not on any assumed rights of friendship or acquaintance, but merely on the principles of common humanity to which his situation seems to recommend him, and on the hope that you will think with the good man in the play "homo sum; humani nil a me alienum puto." I

have no interest at our Episcopal palace, and, indeed, any application if known to come from me would rather be of disservice. I flatter myself your interposition there would have certain effect, and assure you it would lay me under lasting obligations. I suppose the most certain assistance would be a letter from the commissary to the bishop. But one thing I must conjure you to do, to see the letter yourself, that you may judge whether it be really friendly or not. I confess to you, Mr. Speaker, that I put not the least confidence in the most solemn promises of this reverend gentleman. And unless yourself can be assured of the security of his endeavors I had rather proceed at once in such measures as may answer our purpose though "in opposition." After your application I have one further favor to ask of you, that if it is unsuccessful you will give me notice by a line lodged in the post office, if successful (as I doubt not but it will be) you would be so kind as to inclose his letter under cover to Ogilvie, and direct to him at Mrs. Ballard's Hungerford street in the Strand London; as this would be a more speedy communication of relief to him than sending the letter via Albemarle. I have no proffers to make you in return for all this trouble; fortune seems to have reserved your obligations for herself. You have nothing to ask, I nothing to give. I can only assure you then that I sincerely rejoice in the independence of your situation; I mean an independence of all but your own merit, than which I am sure you cannot have a more

permanent dependence. I am Sir with much truth your very humble servant.

TO THOMAS ADAMS.[1]

MONTICELLO, Feb. 20, 1771.

DEAR SIR,—Not expecting to have the pleasure of seeing you again before you leave the country, I inclose you an order on the inspectors at Shockoe for two hogsheads of tobacco which I consign to you, and give you also the trouble of shipping as I am too far from the spot to do it myself. They are to be laid out in the purchase of the articles on the back hereof. You will observe that part of these articles (such as are licensed by the association) are to be sent at any event. Another part (being prohibited) are only to be sent if the tea act should be repealed before you get home; if it is not, you will observe a third class to be sent instead of those which are prohibited. I am not without expectation that the repeal may take place. I believe the parliament want nothing but a colorable motive to adopt this measure. The conduct of our brethren of New York affords them this. You will observe by my invoice that I have supposed my tobacco to clear me £50 sterling per hogshead; should it be less, dock the invoice of such articles as you think I may get in the country.—In consequence of your recommendation I wrote to Waller last June

[1] Originally published in *Harper's New Monthly Magazine*, vol. 81, p. 205.

for £45 sterling worth of books inclosing him a bill of exchange to that amount. Having written to Benson Pearson for another parcel of nearly the same amount, I directed him to purchase them also of Waller. I acquainted both of the necessity of my situation brought on by the unlucky loss of my library, and pressed them most earnestly to lose not a day in sending them; yet I have heard not a tittle from either gentleman.—I mentioned to you that I had become one of several securities for a gentleman of my acquaintance lately engaged in trade. I hope and, indeed, hear he is doing very well; I would not, therefore, take any step to wound his credit; but as far as it can possibly be done without affecting that, I must beg you to have me secured. It can surely do no mischief to see that his remittances are placed to the credit of the money for which we stand engaged, and not of any new importations of goods made afterwards. I must rely entirely on your friendly assistance in the matter, which I assure you gives me concern, as should my friend prove unsuccessful, (and ill fortune may render any person unsuccessful,) it might sweep away the whole of my little fortune.—I must once more trouble you for my friend Ogilvie. The commissary promised to write in his favor to the bishop by Neeks. I did not see his letter, and with this gentleman I believe no farther than I see. I wrote by the same opportunity to Ogilvie and apprised him of the commissary's engagement. Should your route to the ship be through

Williamsburgh I would trouble you to know whether he has in truth written or not. The inclosed letter to Ogilvie you will please to deliver with our most earnest advice that he lose not a day in coming over. —One farther favor and I am done; to search the Herald's office for the arms of my family. I have what I have been told were the family arms, but on what authority I know not. It is possible there may be none. If so, I would with your assistance become a purchaser, having Sterne's word for it that a coat of arms may be purchased as cheap as any other coat.—The things I have desired you to purchase for me I would beg you to hasten, particularly the Clavichord, which I have directed to be purchased in Hamburgh, because they are better made there, and much cheaper. Leave me a line before you go away with instructions how to direct to you.

TO JAMES OGILVIE.[1]

MONTICELLO, Feb. 20, 1771.

DEAR OGILVIE,—I wrote you a line from Williamsburgh last October; but lest that may have miscarried I take this opportunity of repeating what was material in that. On receipt of your letter (and, oh shame! of your only letter) of March 28, 1770, which came not to hand till August we took proper measures for prevailing on the commissary to withdraw his opposition. But lest you should be uneasy

[1] From the collection of Miss Sarah N. Randolph.

in your situation in the mean time I directed Mr. T. Adams by the means of his partners Perkins and Brown to let you know they would answer any calls from you. In this your friend Mr. Walker insisted on joining me. In October I transmitted to the commissary a certificate of your conduct in life, on which he promised to write in your favor by Neeks, and though I did not see the letter I expect he did. By the same opportunity I wrote to you inclosing a duplicate of the certificate of which you might avail yourself if the commissary should fail us again. About the same time I wrote from Williamsburgh to a gentleman of the vestry in Orange to secure for you a vacancy which had happened in that parish by the death of Martin. I have had no answer, but the parish is still vacant, which gives me hopes it is kept for you. Mr. Maury incumbent in Fredericksville parish (of which I was when you were here) has a tempting offer from another quarter. I know not whether he will accept of it. If he should we shall do for you all that can be done in your absence. But for God's sake let not that be a moment longer than is of absolute necessity. Your settlement here would make your friends happy, and I think would be agreeable to yourself. Your Dulcinea is in health. Her brother T. Strachan is settled with Y. Walker for life. Another reason for her and you to wish for a residence with us. He is wishing to take to himself a wife; and nothing obstructs it but the unfeeling temper of a parent who delays, perhaps refuses

to approve her daughter's choice. I, too, am in that way; and have still greater difficulties to encounter not from the forwardness of parents, nor perhaps want of feeling in the fair one, but from other causes as unpliable to my wishes as these. Since you left us I was unlucky enough to lose the house in which we lived, and in which all its contents were consumed. A very few books, two or three beds, etc., were with difficulty saved from the flames. I have lately removed to the mountain from whence this is dated, and with which you are not unacquainted. I have here but one room, which, like the cobblers, serves me for parlour, for kitchen and hall. I may add, for bedchamber and study, too. My friends sometimes take a temperate dinner with me and then retire to look for beds elsewhere. I have hope, however, of getting more elbow room this summer. But be this as may happen, whether my tenements be great or small, homely or elegant they will always receive you with a hearty welcome. If anything should obstruct your setting out immediately for Virginia I would beg the favor of you to send the things I asked of you to purchase by some careful captain coming on James river. Such of them as were for my buildings, or for house keeping I am particularly in want of. Nothing material occurs relative to the health and fortunes of your friends here. They are well in both as far as I can recollect them. I conclude my epistle with every wish for your felicity which friendship can inspire. Adieu and believe me to be yours sincerely.

TO INGLIS AND LONG, MERCHANTS AT PORTSMOUTH.[1]

WILLIAMSBURGH, May 11, 1771.

GENTLEMEN,—Yours of the eighth of April I have received, and since that your favour of five pounds as counsel for Messrs. Cunningham and Nisbett at the suit of Jamieson and Taylor. Before we can regularly proceed to take any proofs in the cause it will be necessary for Messrs. Cunningham and Nisbett to send us their answer denying or admitting the several charges in the bill as far as their own knowledge enables them. For this purpose a copy of the bill should be transmitted them. The answer must be sworn to before some justice of the peace, and that he is such must be certified under the seal of their province. As soon as I shall receive the answer immediate care shall be taken to send a commission for the examination of any witnesses Messrs. Cunningham and Nisbett may choose to call on, with directions what matters it will most avail them to prove. This I shall be the better enabled to do when their answer shall have appraised me of the nature of their defence.

With respect to the part yourselves are to act, it will be very plain, as you are not concerned in interest. You must declare what effects of Cunningham and Nisbett you have in your hands, and submit them to the direction of the Court. If you will be pleased by way of letter to state these matters to me

[1] From the collection of Mrs. J. W. Drexel.

I will put them into the usual form of answers and return them to be sworn to. Any further instructions you may think proper to give in this matter shall be diligently attended to by, Gentlemen, your very humble servant.

TO THOMAS ADAMS.[1]

MONTICELLO, June 1, 1771.

DEAR SIR,—As it was somewhat doubtful when you left the country how far my little invoice delivered you might be complied with till we should know the fate of the association, I desired you to withhold purchasing the things till you should hear farther from me. The day appointed for the meeting of the associates is not yet arrived; however from the universal sense of those who are likely to attend, it seems reduced to a certainty that the restrictions will be taken off everything but the dutied articles. I will, therefore, venture to desire that branch of my invoice may be complied with in which were some shoes and other prohibited articles; since if contrary to our expectations the restrictions should be continued, I can store, or otherwise dispose of them as our committees please. I must alter one article in the invoice. I wrote therein for a Clavichord. I have since seen a Forte-piano and am charmed with it. Send me this instrument then

[1] Originally published in *Harper's New Monthly Magazine*, vol. 81, p. 206.

instead of the Clavichord: let the case be of fine mahogany, solid, not veneered, the compass from Double G. to F. in alt, a plenty of spare strings; and the workmanship of the whole very handsome and worthy the acceptance of a lady for whom I intend it. I must add also ½ dozen pair India cotton stockings for myself @ 10/ sterling per pair, ½ dozen pair best white silk do.; and a large umbrella with brass ribs, covered with green silk, and neatly finished. By this change of the Clavichord into a Forte-piano and addition of the other things, I shall be brought in debt to you, to discharge which I will ship you of the first tobacco I get to the warehouse in the fall. I expect by that time, and also from year to year afterwards, I must send you an invoice, with tobacco, somewhat enlarged, as I have it in prospect to become more regularly a pater-familias.—I desired the favor of you to procure me an architect. I must repeat the request earnestly, and that you will send him in as soon as you can.—I shall conclude with one petition: that you send me the articles contained in my invoice and written for above as soon as you receive this, as I suppose they may be bought ready made; and particularly the Forte-piano, for which I shall be very impatient. By this means I may get them in October, which will prevent my being obliged to purchase as I must do if they do not come in time.

TO ROBERT SKIPWITH.

MONTICELLO, Aug. 3, 1771.

I sat down with a design of executing your request to form a catalogue of books to the amount of about 50 lib. sterling. But could by no means satisfy myself with any partial choice I could make. Thinking, therefore, it might be as agreeable to you I have framed such a general collection as I think you would wish and might in time find convenient to procure. Out of this you will choose for yourself to the amount you mentioned for the present year and may hereafter as shall be convenient proceed in completing the whole. A view of the second column in this catalogue would I suppose extort a smile from the face of gravity. Peace to its wisdom! Let me not awaken it. A little attention however to the nature of the human mind evinces that the entertainments of fiction are useful as well as pleasant. That they are pleasant when well written every person feels who reads. But wherein is its utility asks the reverend sage, big with the notion that nothing can be useful but the learned lumber of Greek and Roman reading with which his head is stored?

I answer, everything is useful which contributes to fix in the principles and practices of virtue. When any original act of charity or of gratitude, for instance, is presented either to our sight or imagination, we are deeply impressed with its beauty and feel a strong desire in ourselves of doing charitable and

grateful acts also. On the contrary when we see or read of any atrocious deed, we are disgusted with its deformity, and conceive an abhorrence of vice. Now every emotion of this kind is an exercise of our virtuous dispositions, and dispositions of the mind, like limbs of the body acquire strength by exercise. But exercise produces habit, and in the instance of which we speak the exercise being of the moral feelings produces a habit of thinking and acting virtuously. We never reflect whether the story we read be truth or fiction. If the painting be lively, and a tolerable picture of nature, we are thrown into a reverie, from which if we awaken it is the fault of the writer. I appeal to every reader of feeling and sentiment whether the fictitious murder of Duncan by Macbeth in Shakespeare does not excite in him as great a horror of villany, as the real one of Henry IV. by Ravaillac as related by Davila? And whether the fidelity of Nelson and generosity of Blandford in Marmontel do not dilate his breast and elevate his sentiments as much as any similar incident which real history can furnish? Does he not in fact feel himself a better man while reading them, and privately covenant to copy the fair example? We neither know nor care whether Lawrence Sterne really went to France, whether he was there accosted by the Franciscan, at first rebuked him unkindly, and then gave him a peace offering: or whether the whole be not fiction. In either case we equally are sorrowful at the rebuke, and secretly resolve *we* will

never do so: we are pleased with the subsequent atonement, and view with emulation a soul candidly acknowledging its fault and making a just reparation. Considering history as a moral exercise, her lessons would be too infrequent if confined to real life. Of those recorded by historians few incidents have been attended with such circumstances as to excite in any high degree this sympathetic emotion of virtue. We are, therefore, wisely framed to be as warmly interested for a fictitious as for a real personage. The field of imagination is thus laid open to our use and lessons may be formed to illustrate and carry home to the heart every moral rule of life. Thus a lively and lasting sense of filial duty is more effectually impressed on the mind of a son or daughter by reading King Lear, than by all the dry volumes of ethics, and divinity that ever were written. This is my idea of well written Romance, of Tragedy, Comedy and Epic poetry.—If you are fond of speculation the books under the head of Criticism will afford you much pleasure. Of Politics and Trade I have given you a few only of the best books, as you would probably choose to be not unacquainted with those commercial principles which bring wealth into our country, and the constitutional security we have for the enjoyment of that wealth. In Law I mention a few systematical books, as a knowledge of the minutiae of that science is not necessary for a private gentleman. In Religion, History, Natural philosophy, I have followed the same plan in general.—But

whence the necessity of this collection? Come to the new Rowanty, from which you may reach your hand to a library formed on a more extensive plan. Separated from each other but a few paces the possessions of each would be open to the other. A spring centrically situated might be the scene of every evening's joy. There we should talk over the lessons of the day, or lose them in music, chess or the merriments of our family companions. The heart thus lightened our pillows would be soft, and health and long life would attend the happy scene. Come then and bring our dear Tibby with you, the first in your affections, and second in mine. Offer prayers for me, too, at that shrine to which though absent I pray continual devotions. In every scheme of happiness she is placed in the foreground of the picture, as the principal figure. Take that away, and it is no picture for me. Bear my affections to Wintipock clothed in the warmest expressions of sincerity; and to yourself be every human felicity. Adieu.

TO MESSRS. INGLIS AND LONG, MERCHANTS AT PORTSMOUTH.[1]

WILLIAMSBURGH, June 11, 1772.

GENTLEMEN,—I have just received notice from Mr. Wythe that in the case of Jamieson and Taylor *v.* Meredith and others he will move at the next

[1] From the collection of Dr. J. S. H. Fogg, of Boston, Mass.

court to have the effects delivered in to the plaintiff's hands. I have not yet had time to enquire whether such steps have been yet taken as will entitle him to do this. However it is better that your correspondents prevent it which cannot be done with certainty but by their sending in their answers in proper form before the next court. I am this moment leaving town having just taken time to inform you of this measure.

TO WILLIAM FLEMING.[1]

May 19, 1773. MRS. CARR'S.[2]

DEAR FLEMING,—You have before this heard and lamented the death of our good friend Carr.[3] Some steps are necessary to be immediately taken on behalf of his clients. You practised in all his courts except Chesterfield and Albemarle. I shall think I cannot better serve them than by putting their papers into your hands if you will be so good as to take them. I once mentioned to you the court of Albemarle as worthy your attention. If you choose now to go there I would get you to take his papers for that court also. They put you in possession of a valuable business. The king's attorney's place is vacant there, and might be worth your soliciting. If you think so you should dispatch an express for

[1] Printed in the *Southern Literary Messenger*, vol. III, p. 305.

[2] Jefferson's sister's home in Charlottesville.

[3] Dabney Carr was Jefferson's brother-in-law. He died May 16, 1773.

commission. Otherwise you may be prevented. Write me a line in answer to this and lodge it here within a week, as I shall about that time call here to take the law papers and put them into some channel. Your assistance in these matters will oblige, dear Fleming, your friend and humble servant.

TO FRANCIS EPPES.[1]

PHILADELPHIA, June 26th, 1775.

DEAR SIR,—You will before this have heard that the war is now heartily entered into, without a prospect of accommodation but through the effectual interposition of arms. General Gage has received considerable reinforcements, though not to the whole amount of what was expected. There has lately been an action at the outlet of the town of Boston.[2] The particulars we have not yet been able to get with certainty; the event, however, was considerably in our favor as to the numbers killed. Our account says we had between 40 and 70 killed and 140 wounded. The enemy has certainly 500 wounded and the same account supposes that number killed; but judging from the proportion of wounded and slain on our part, they should not have perhaps above two hundred killed. This happened on Saturday, and on Monday, when the express came away, the provincials had begun to make another attack.

[1] Originally published in Randall's *Life of Jefferson*, vol. III, p. 567.

[2] Refers to the battle of Bunker's Hill.

Washington set out from here on Friday last as generalissimo of all the provincial troops in North America. Ward and Lee were appointed major-generals and Gates adjutant. We are exceedingly anxious till we hear of their arrival at Boston, as it is evident to every one that the provincial encampment is the most injudicious that can possibly be conceived. For the sole purpose of covering two small towns near Boston they have encamped so near the line of the ministerial army that the sentries may converse. Gage, too, being well fortified, is in little danger of an attack from them; while their situation is such that he may attack them when he pleases, and if he is unsuccessful, they cannot pursue him a foot scarcely, on account of the ships and floating batteries bearing on the Neck of Boston. If no evil arises from this till General Washington arrives, we may expect to hear of his withdrawing the provincial troops to a greater distance. The Congress have directed 20,000 men to be raised, and hope by a vigorous campaign to dispose our enemies to treaty. Governor Carleton has been spiriting up the Canadian Indians to fall on our back settlements; but this we hope will be prevented. Governor Skeene, appointed to take charge of the fortresses on the lakes, was intercepted here, as we had already taken possession of those fortifications and provided a Governor, there was no occasion for him to proceed. He is now, therefore, our prisoner. My best affections attend Mrs. Eppes and family.

TO FRANCIS EPPES.

PHILADELPHIA, July 4th, 1775.

DEAR SIR,—Since my last, nothing new has happened. Our accounts of the battle of Charleston have become clear, and greatly to our satisfaction. Contrary to what usually happens, the first account were below truth; and it is now certain that the regulars have had between 1200 and 1400 killed and wounded in that engagement, and that of these 500 were killed. Major Pitcairn is among the slain, at which everybody rejoices, as he was the commanding officer at Lexington, was the first who fired his own piece there and gave the command to fire. Among those was a Doctor Warren, a man who seems to have been immensely valued at the North. The New-Englanders are fitting out light vessels of war, by which it is hoped we shall not only clear the seas and bays here of everything below the size of a ship of war, but that they will visit the coasts of Europe and distress the British trade in every part of the world. The adventurous genius and intrepidity of those people is amazing. They are now intent on burning Boston as a hive which gives cover to regulars; and none are more bent upon it than the very people who came out of it and whose prosperity lies there. This, however, if done at all, it is thought better to defer till the cold season is coming on, as it would then lay them under irremediable distress.

[1] Originally published in Randall's *Life of Jefferson*, vol. III, p. 568.

Powder seems now to be our only difficulty, and towards getting plenty of that nothing is wanting but saltpetre. If we can weather out this campaign, I hope that we shall be able to have a plenty made for another. Nothing is requisite but to set about it, as every colony has materials, but more especially Virginia and Maryland. My compliments most affectionately to Mrs. Eppes. Mr. and Mrs. Skipwith, I expect, have left you. Adieu.

TO FRANCIS EPPES.[1]

PHILADELPHIA, Oct. 10th, 1775.

DEAR SIR,—I wrote to Patty [Mrs. Jefferson] on my arrival here, and there being nothing new in the political way, I enclosed her letter under a blank cover to you. Since that we have received from England news of much importance which coming through many channels we believe may be confidently relied on. Both the ministerial and provincial accounts of the battle of Bunker's Hill had got to England. The ministry were determined to push the war with vigor, a measure in which they were fixed by the defeat of the Spaniards by the Moors. Ninety brass cannon were embarked from the tower, and may be hourly expected either at New York or Boston. Two thousand troops were to sail from Ireland about the 25th September; these we have reason to believe are destined for New York. Com-

[1] Originally published in Randall's *Life of Jefferson*, vol. III, p. 569.

modore Shuldam was to sail about the same time with a great number of frigates and small vessels of war, to be distributed among the middle colonies. He comes at the express and earnest intercessions of Lord Dunmore, and the plan is to lay waste all the plantations on our river sides. Of this we gave immediate notice to our Committee of Safety by an express whom we dispatched last Friday, that if any defence could be provided on the rivers by fortifications or small vessels it might be done immediately. In the spring, 10,000 men more are to come over. They are to be procured by taking away two-thirds of the garrison at Gibraltar (who are to be replaced by some Hessians) by 2,000 Highlanders and 5,000 Roman Catholics, whom they propose to raise in Ireland. Instead of Roman Catholics, however, some of our accounts say foreigners are to be sent. Their plan is this. They are to take possession of New York and Albany, keeping up a communication between them by means of their vessels. Between Albany and St. John's, they propose also to keep open the communication, and again between St. John's and Quebec, and Boston. By this means they expect Gage, Tryon, and Carleton may distress us on every side, acting in concert with one another. By means of Hudson's River, they expect to cut off all correspondence between the northern and southern rivers. Gage was appointed Governor-General of all America; but Sir Jeffrey Amherst consented afterwards to come over, so that Gage is to be re-

called; but it is believed Amherst will not come till the spring; in the meantime Howe will have the command. The coöperation of the Canadians is taken for granted in all the ministerial schemes. We hope, therefore, they will be dislocated by the events in that quarter. For an account of these I must refer you to Patty. My warmest affections attend Mrs. Eppes. Adieu.

TO FRANCIS EPPES.[1]

PHILADELPHIA, Oct. 24, 1775.

DEAR SIR,—Since my last, we have nothing new from England or from the camps at either Cambridge or St. John's. Our eyes are turned to the latter place with no little anxiety, the weather having been uncommonly bad for troops in that quarter, exposed to the inclemencies of the sky without any protection. Carleton is retired to Quebec, and though it does not appear he has any intimation of Arnold's expedition, yet we hear he has embodied 1,100 men to be on his guard. A small vessel was the other day cast away on the Jersey shore (she was one of the transports which had some time ago brought over troops to Boston) on board of which were a captain, with his subordinate officers and marines, amounting to 23 in all, and also a Duncan Campbell who was going to recruit men at New York for General Gage, he having some time before under-

[1] Originally published in Randall's *Life of Jefferson*, vol. III, p. 569.

taken the same business in the same place, and actually carried off 60 men. The marines and their officers were all taken immediately, except their captain and the recruiting gentleman; these pushed off in a little boat, and coasted it to Long Island, where they got on board a sloop which was to have sailed in an hour, when the party sent after them came upon them. They were brought to this city this morning, the marines having been here some time. Our good old speaker died the night before last. For the particulars of that melancholy event I must refer you to Patty. My affections attend Mrs. Eppes. Adieu.

TO JOHN PAGE.[1]

PHILADELPHIA, Oct. 31, 1775.

DEAR PAGE,—We have nothing new from England or the camp before Boston. By a private letter this day to a gentleman of Congress from General Montgomery we learn that our forces before St. John's are 4,000 in number besides 500 Canadians, the latter of whom have repelled with great intrepidity three different attacks from the fort. We apprehend it will not hold out much longer as Monsieur St. Luc de la Corne and several other principal inhabitants of Montreal who have been our great enemies have offered to make terms. This

[1] Originally published in the *Historical Magazine*, vol. XIV, p. 244.

St. Luc is a great Seigneur amongst the Canadians and almost absolute with the Indians, he has been our most bitter enemy, he is acknowledged to be the greatest of all scoundrels; to be assured of this I need only to mention to you that he is the ruffian who, when during the late war Fort William Henry was surrendered to the French and Indians on condition of saving the lives of the garrison, had every soul murdered in cold blood. The check which the Canadians received at first is now wearing off. They were made to believe we had an army of 15,000 men going there, but when they saw Montgomery with but 2,700 they were thunderstruck at the situation they had brought themselves into. However, when they saw even this small armament march boldly to invest St. John's, and put a good face on the matter, they revived, and the recruits since have contributed to inspirit them more.

I have set apart nearly one day in every week since I came here to write letters. Notwithstanding this I never had received the scrip of a pen from any mortal breathing. I should have excepted two lines from Mr. Pendleton to desire me to buy him 24 pounds of wire from which I concluded he was alive. I speak not this for you from whom I would not wish to receive a letter till I know you can write one without injury to your health, but in future as I must be satisfied with information from my colleagues that my county still exists, so I am determined to be satisfied also with their epistolary communications

of what passes within our knowledge. Adieu, dear Page.

Delenda est Norfolk.[1]

TO FRANCIS EPPES.[2]

PHILADELPHIA, NOV. 7, 1775.

DEAR SIR,—We have no late intelligence here except of the surrender of Chambly, with 90 prisoners of war, 6½ tons of powder, 150 stands of arms, and some other small matters. The acquisition of this powder, we hope, has before this made us masters of St. John's, on which Montreal and the upper parts of St. Lawrence will of course be ours. The fate of Arnold's expedition we know not as yet. We have had some disagreeable accounts of internal commotions in South Carolina. I have never received the script of a pen from any mortal in Virginia since I left it, nor been able by any inquiries I could make to hear of my family. I had hoped that when Mrs. Byrd came I could have heard something of them; but she could tell me nothing about them. The suspense under which I am is too terrible to be endured. If anything has happened, for God's sake let me know it. My best affections to Mrs. Eppes. Adieu.

[1] Referring to the burning of Norfolk, Va., by the British.

[2] Originally published in Randall's *Life of Jefferson*, vol. III, p. 570.

TO FRANCIS EPPES.[1]

PHILADELPHIA, NOV. 21ST, 1775.

DEAR SIR,—After sealing my last letter to you, we received an account of the capture of St. John's which I wrote on the letter. What I then gave you was true account of the matter. We consider this as having determined the fate of Canada. A committee of Congress is gone to improve circumstances, so as to bring the Canadians into our Union. We have accounts of Arnold as late as October 13. All well and in fine spirits. We cannot help hoping him into possession of Quebec, as we know Carleton to be absent in the neighborhood of Montreal. Our armed vessels to the northward have taken some of the ships coming with provisions from Ireland to Boston. By the intercepted letters we have a confirmation that they will have an army of four or five and twenty thousands there by the spring, but they will be raw-teagues.[2] 3,000 are lately arrived there. I have written to Patty a proposition to keep yourselves at a distance from the alarms of Lord Dunmore. To her, therefore, for want of time, I must refer to you, and shall hope to meet you as proposed. I am, dear Sir, with my best affections to Mrs. Eppes, your friend and servant.

[1] Originally published in Randall's *Life of Jefferson*, vol. III, p. 570.
[2] Jefferson refers to the Irish recruits.

TO JOHN PAGE.[1]

About Dec. 10th, 1775.

De rebus novis, ita est. One of our armed vessels has taken an English store ship coming with all the implements of war (except powder) to Boston. She is worth about £30,000 sterling as General Washington informs us, and the stores are adapted to his wants as perfectly as if he had sent the invoice. They have also taken two small provision vessels from Ireland to Boston. A forty gun ship blew up the other day by accident in the harbor of Boston. Of a certainty the hand of God is upon them. Our last intelligence from Arnold to be relied on is by letter from him. He was then at Point Levy opposite Quebec and had a great number of canoes ready to cross the river. The Canadians received him with cordiality and the regular force in Quebec was too inconsiderable to give him any inquietude. A later report makes him in possession of Quebec, but this is not authenticated. Montgomery had proceeded in quest of Carleton and his small fleet of 11 pickeroons, then on Lake St. Francis. He had got below him and had batteries so planted as to prevent his passing. It is thought he cannot escape their vigilance. I hope Lord Chatham may live till the fortune of war puts his son into our hands, and enables us by returning him safe to his father, to pay a

[1] From a letter possessed by the American Antiquarian Society of Worcester, Mass.

debt of gratitude. I wish you would get into Convention and come here. Think of it. Accomplish it. Adieu.

The Congress have promoted Brigadier General Montgomery to be a Major General, and on being assured that Arnold is in possession of Quebec it is probable he will be made a Brigadier General, one of those offices being vacant by Montgomery's promotion. This march of Arnold's is equal to Xenophon's retreat. Be so good as to enquire for the box of books you lodged for me at Nelson's and get them to a place of safety. Perhaps some opportunity may offer of sending it to Richmond.

TO THOMAS NELSON.[1]

PHILADELPHIA, May 16, 1776.

DEAR NELSON,—I arrived here last Tuesday after being detained hence six weeks longer than I intended by a malady of which Gilmer can inform you. I have nothing new to inform you of as the last post carried you an account of the naval engagement in Delaware. I inclose a vote of yesterday on the subject of government as the ensuing campaign is likely to require greater exertion than our unorganized powers may at present effect. Should our Convention propose to establish now a form of government perhaps it might be agreeable to recall for a

[1] From a letter belonging to the American Antiquarian Society, of Worcester, Mass.

short time their delegates. It is a work of the most interesting nature and such as every individual would wish to have his voice in. In truth it is the whole object of the present controversy; for should a bad government be instituted for us in future it had been as well to have accepted at first the bad one offered to us from beyond the water without the risk and expense of contest. But this I mention to you in confidence, as in our situation, a hint to any other is too delicate however anxiously interesting the subject is to our feelings. In future you shall hear from me weekly while you stay, and I shall be glad to receive Conventional as well as public intelligence from you.

P. S.—In the other colonies who have instituted government they recalled their delegates, leaving only one or two to give information to Congress of matters which might relate to their country particularly, and giving them a vote during the interval of absence.

I am at present in our old lodgings though I think, as the excessive heats of the city are coming on fast, to endeavor to get lodgings in the skirts of the town where I may have the benefit of a freely circulating air. Tell Page and McClurgh that I received their letters this morning and shall devote myself to their contents. I am here in the same uneasy anxious state in which I was the last fall without Mrs. Jefferson who could not come with me. I wish much to

see you here, yet hope you will contrive to bring on as early as you can in convention the great questions of the session. I suppose they will tell us what to say on the subject of independence, but hope respect will be expressed to the right of opinion in other colonies who may happen to differ from them. When at home I took great pains to enquire into the sentiments of the people on that head, in the upper counties I think I may safely say nine out of ten are for it. Adieu. My compliments to Mrs. Nelson.

May 19. Yesterday we received the disagreeable news of a second defeat at Quebec. Two men of war, two frigates and a tender arrived there early on the 6th instant. About 11 o'clock the same day the enemy sallied out to the number of a thousand. Our forces were so dispersed at different posts that not more than 200 could be collected at Headquarters. This small force could not resist the enemy. All our cannon, 500 muskets and 200 sick men fell into their hands. Besides this one of their frigates got possession of a batteau with 30 barrels of powder and an armed vessel which our crew was forced to abandon. Our army was to retreat to the mouth of the Sorel.

General Arnold was to set off from Montreal to join them immediately, upon whose rejoining them, it was hoped they might return as far as Dechambeau. General Wooster has the credit of this misadventure, and if he cannot give a better account of it than has

I wish you had depended on yourself rather than others for giving me an account of the late nomination of delegates. I have no other state of it but the number of votes for each person. The omission of Harrison and Braxton and my being next to the lag give me some alarm. It is a painful situation to be 300 miles from one's country, and thereby opened to secret assassination without a possibility of self-defence. I am willing to hope nothing of this kind has been done in my case, but yet I cannot be easy. If any doubts has arisen as to me, my country will have my political creed in the form of a "Declaration" etc. which I was lately directed to draw. This will give decisive proof that my own sentiment concurred with the vote they instructed me to give. Had the post been to go a day later we might have been at liberty to communicate this whole matter.

July 2. I have kept open my letter till this morning but nothing more new. Adieu.

TO GEORGE WYTHE.[1]

July, 1776.

The dignity and stability of government in all its branches, the morals of the people, and every blessing of society, depend so much upon an upright and skillful administration of justice, that the judicial power ought to be distinct from both the legislature and executive, and independent upon both, that so

[1] Extract from *The Balance*, vol. II, p. 146.

it may be a check upon both, as both should be checks upon that. The judges, therefore, should always be men of learning and experience in the laws, of exemplary morals, great patience, calmness and attention; their minds should not be distracted with jarring interests; they should not be dependent upon any man or body of men. To these ends they should hold estates for life in their offices, or, in other words, their commissions should be during good behavior, and their salaries ascertained and established by law.

For misbehavior, the grand inquest of the colony, the house of representatives, should impeach them before the governor and council, when they should have time and opportunity to make their defence; but if convicted, should be removed from their offices, and subjected to such other punishment as shall be thought proper.

TO EDMUND PENDLETON.

July, 1776.

I am sorry the situation of my domestic affairs, renders it indispensably necessary that I should solicit the substitution of some other person here in my room. The delicacy of the House will not require me to enter minutely into the private causes which render this necessary. I trust they will be satisfied. I would not urge it again, were it not unavoidable. I shall with cheerfulness continue my duty here till

[1] Extract published in Girardin's *History of Virginia*, vol. IV.

the expiration of our year by which time I hope it will be convenient for my successor to attend.

TO FRANCIS EPPES.[1]

PHILADELPHIA, July 15th, 1776.

DEAR SIR,—Yours of the 3rd inst. came to-day. I wish I could be better satisfied on the point of Patty's recovery. I had not heard from her at all for two posts before, and no letter from herself now. I wish it were in my power to return by way of the Forest, as you think it will be impracticable for Mrs. Eppes to travel to the mountains. However, it will be late in August before I can get home, and our Convention will call me down early in October. Till that time, therefore, I must defer the hope of seeing Mrs. Eppes and yourself. Admiral Howe is himself arrived at New York, and two or three vessels, supposed to be of his fleet, were coming in. The whole is expected daily.

Washington's numbers are greatly increased, but we do not know them exactly. I imagine he must have from 30 to 35,000 by this time. The enemy the other day ordered two of their men-of-war to hoist anchor and push by our batteries up the Hudson River. Both wind and tide were very fair. They passed all the batteries with ease, and, as far as is known, without receiving material damage; though there was an incessant fire kept up on them. This

[1] Originally published in Randall's *Life of Jefferson*, vol. III, p. 582.

experiment of theirs, I suppose, is a prelude to the passage of their whole fleet, and seems to indicate an intention of landing above New York. I imagine General Washington, finding he cannot prevent their going up the river, will prepare to amuse them wherever they shall go. Our army from Canada is now at Crown Point, but still one half down with the small pox. You ask about Arnold's behavior at the Cedars. It was this. The scoundrel, Major Butterfield, having surrendered three hundred and ninety men, in a fort with twenty or thirty days' provision, and ammunition enough, to about forty regulars, one hundred Canadians, and five hundred Indians, before he had lost a single man—and Major Sherburne, who was coming to the relief of the fort with one hundred men, having, after bravely engaging the enemy an hour and forty minutes, killing twenty of them and losing twelve of his own, been surrounded by them, and taken prisoners also—General Arnold appeared on the opposite side of the river and prepared to attack them. His numbers I know not, but believe they were about equal to the enemy. Captain Foster, commander of the king's troops, sent over a flag to him, proposing an exchange of prisoners for as many of the king's in our possession, and, moreover, informed Arnold that if he should attack, the Indians would put every man of the prisoners to death. Arnold refused, called a council of war, and, it being now in the night, it was determined to attack next morning. A second flag came over; he again refused,

though in an excruciating situation, as he saw the enemy were in earnest about killing the prisoners. His men, too, began to be importunate for the recovery of their fellow-soldiers. A third flag came, the men grew more clamorous and Arnold, now almost raving with rage and compassion, was obliged to consent to the exchange and six days suspension of hostilities, Foster declaring he had not boats to deliver them in less time. However, he did deliver them so much sooner as that before the six days were expired, himself and party had fled out of all reach. Arnold then retired to Montreal. You have long before this heard of General Thompson's defeat. The truth of that matter has never appeared till lately. You will see it in the public papers. No men on earth ever behaved better than ours did. The enemy behaved dastardly. Colonel Allen (who was in the engagement) assured me this day, that such was the situation of our men, half way up to the thighs in mud for several hours, that five hundred men of spirit must have taken the whole; yet the enemy were repulsed several times, and our people had time to extricate themselves and come off. It is believed the enemy suffered considerably. The above account of Arnold's affair you may rely on, as I was one of a committee appointed to inquire into the whole of that matter, and have it from those who were in the whole transaction, and were taken prisoners.

My sincere affections to Mrs. Eppes, and adieu.

TO THE GOVERNOR OF VIRGINIA.

(PATRICK HENRY.)

PHILADELPHIA, July 16, 1776.

We were informed a few weeks ago that 5000 pounds of lead imported by our colony were landed at Fredericksburgh. As it appeared very unlikely it should be wanting in Virginia, and the flying camp forming in the Jerseys, in the face of a powerful enemy, are likely to be in distress for this article, we thought we should be wanting to the public cause, which includes that of our own country, had we hesitated to desire it to be brought here. Had the wants of the camp admitted the delay of an application to you we should most certainly have waited an order from you, but their distress is instantaneous. Even this supply is insufficient. The army in Canada, and the army in New York will want much lead and there seems to be no certain source of supply unless the mine in Virginia can be rendered such. We are, therefore, by direction of Congress to beg further you will be pleased to send them what lead can be spared from Williamsburgh, and moreover order 15 or 20 tons to be brought here immediately from the mine.

We take the liberty of recommending the lead mines to you as an object of vast importance. We think it impossible they can be worked to too great an extent. Considered as perhaps the sole means of supporting the American cause, they are inestimable. As an article of commerce to our colony, too, they

will be valuable; and even the wagonage, if done either by the colony or individuals belonging to it, will carry to it no trifling sum of money. We enclose you a resolution of Congress of the subjects of forts and garrisons on the Ohio.

Several vacancies having happened in our battalions, we are unable to have them filled for want of a list of the officers stating their seniority. We must beg the favor of you to furnish us with one. We received from Colonel R. H. Lee a resolution of Convention recommending us to endeavor that the promotions of the officers be according to seniority without regard to regiments or companies. In one instance indeed the Congress reserved to themselves a right of departing from seniority; that is where a person either out of the line of command, or in an inferior part of it, has displayed eminent talents. Most of the general officers have been promoted in this way. Without this reservation the whole continent must have been supplied with general officers from the Eastern colonies, where a large army was formed and officered before any other colony had occasion to raise troops at all, and a number of experienced, able and valuable officers must have been lost to the public merely from the locality of their situation.

The resolution of our Convention on the subject of salt we shall lay before Congress. The Convention of Pennsylvania did not proceed to business yesterday for want of a quorum. As soon as they do we

shall lay before them the proposition from our convention on the differences at Fort Pitt, and communicate to you the result.

TO COLONEL FIELDING LEWIS.

PHILADELPHIA, July 16, 1776.

We were informed a few weeks ago that 5000 pounds of lead imported on account of our colony were landed at Fredericksburgh. There appears scarcely a possibility it should be wanting in Virginia, more especially when we consider the supplies which may be expected from the mines of that colony. The flying camp now forming in the Jerseys and which will be immediately in the face of a powerful enemy is likely to be in great want of that article. Did their wants admit of delay of an application to the Governor we should have applied to him and have not a doubt he would order it hither. But circumstances are too pressing, and we are assured we should incur the censures of our country were we to permit the public cause to suffer essentially while the means of preventing it (though not under our immediate charge) are within our reach. We, therefore, take the liberty of desiring you to stop so many of the powder wagons now on their way to Williamsburgh as may be necessary and return them immediately with this lead, and whatever more you can collect sending the powder on by other wagons.

But should the lead have been sent to Williamsburgh the wagons may then proceed on their Journey and the Governor to whom we have written will take care of the matter.[1]

TO JOHN PAGE.[2]

PHILADELPHIA, July 20, 1776.

DEAR PAGE,—On the receipt of your letter we enquired into the probability of getting your seal done here. We find a drawer and an engraver here both of whom we have reason to believe are excellent in their way. They did great seals for Jamaica and Barbadoes both of which are said to have been well done, and a seal for the Philosophical society here which we are told is excellent. But they are expensive, and will require two months to complete it. The drawing the figures for the engraver will cost about 50 dollars, and the engraving will be still more. Nevertheless as it would be long before we could consult you and receive an answer, as we think you have no such hands, and the expense is never to be incurred a second time we shall order it to be done. I like the device of the first side of the seal much. The second I think is too much crowded, nor is the design so striking. But for God's sake what is the "*Deus nobis haec otia facit*"? It puzzles everybody

[1] See *Journals of Congress*, 14 July, 1776.

[2] Originally published in *New England Historical and Genealogical Register*, vol. XX, p. 69.

here; if my country really enjoys that *otium*, it is singular, as every other colony seems to be hard struggling. I think it was agreed on before Dunmore's flight from Gwyn's island so that it can hardly be referred to the temporary *holiday* that has given you. This device is too enigmatical, since it puzzles now, it will be absolutely insoluble fifty years hence.

I would not advise that the French gentlemen should come here. We have so many of that country, and have been so much imposed on, that the Congress begins to be sore on that head. Besides there is no prospect of raising horse this way. But if you approve of the Chevalier de St. Aubin, why not appoint him yourselves, as your troops of horse are Colonial not Continental?

The 8th battalion will no doubt be taken into Continental pay from the date you mention. So also will be the two written for lately to come to the Jerseys. The 7th should have been moved in Congress long e'er now, but the muster roll sent us by Mr. Yates was so miserably defective that it would not have been received, and would have exposed him. We, therefore, desired him to send one more full, still giving it the same date, and I enclosed him a proper form. If he is diligent we may receive it by next post.

The answer to your public letter we have addressed to the Governor.

There is nothing new here. Washington's and Mercer's camps recruit with amazing slowness. Had

they been reinforced more readily something might have been attempted on Staten Island. The enemy there are not more than 8, or 10,000 strong. Lord Howe has received none of his fleet, unless some Highlanders (about 8, or 10 vessels) were of it. Our army at Ticonderoga is getting out of the small pox. We have about 150 carpenters I suppose got there by now. I hope they will out-build the enemy, so as to keep our force on the lake superior to theirs. There is a mystery in the dereliction of Crown-point. The general officers were unanimous in preferring Ticonderoga, and the Field officers against it. The latter have assigned reasons in their remonstrance which appear unanswerable, yet every one acquainted with the ground pronounce the measure right without answering these reasons.

Having declined serving here the next year, I shall be with you at the first session of our assembly. I purpose to leave this place the 11th of August, having so advised Mrs. Jefferson by last post, and every letter brings me such an account of the state of her health, that it is with great pain I can stay here till then. But Braxton purposing to leave us the day after to-morrow, the colony would be unrepresented were I to go, before the 11th. I hope to see Colonel Lee and Mr. Wythe here. Though the stay of the latter will I hope be short, as he must not be spared from the important department of the law. Adieu, adieu.

Earliest Known Letter of Jefferson

This letter was written by Thomas Jefferson to John Harvey under date of January 14th, 1760. It was originally in the possession of George Wythe Randolph, of Richmond, Va. Written in the seventeenth year of his life this letter is of greatest interest to the student and reader alike of Jefferson. At the time it was indited John Harvey was Jefferson's guardian. The original letter seems to have disappeared. Application to libraries, private collectors, antiquaries has availed nothing. Even his descendants can give no clue to the original manuscript of this earliest known letter of Jefferson.

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To John Harvey at Bellemont.

Shadwell, January 14, 1760.

Sir:—I was at Colo. Peter Randolph's about a Fortnight ago, and my schooling falling into Discourse, he said he thought it would be to my Advantage to go to the College, and was desirous I should go, as indeed I am myself for several Reasons. In the first place, as long as I stay at the Mountain, the loss of one-fourth of my Time is inevitable, by Company's coming here and detaining me from School. And likewise my Absence will in a great measure, put a Stop to so much Company, and by that Means lessen the Expenses of the Estate in Housekeeping. And on the other Hand by going to the College, I shall get a more universal Acquaintance, which may hereafter be serviceable to me; and I suppose I can pursue my Studies in the Greek and Latin as well there as here, and likewise learn something of the Mathematics. I shall be glad of your opinion, And remain, Sir, your most humble servant,

Thomas Jefferson, Jr.

TO FRANCIS EPPES.[1]

PHILADELPHIA, July 23, 1776.

DEAR SIR,—We have nothing new here now but from the southward. The successes there I hope will prove valuable here, by giving new spirit to our people. The ill successes in Canada had depressed the minds of many; when we shall hear the last of them I know not; everybody had supposed Crown Point would be a certain stand for them, but they have retreated from that to Ticonderoga, against everything which in my eye wears the shape of reason. When I wrote you last, we were deceived in General Washington's numbers. By a return which came to hand a day or two after, he then had but 15,000 effective men. His reinforcements have come in pretty well since. The flying camp in the Jerseys under General Mercer begins to form, but not as fast as exigencies require. The Congress have, therefore, been obliged to send for two of our battalions from Virginia. I hope that country is perfectly safe now; and if it is, it seems hardly right that she should not contribute a man to an army of 40,000 and an army, too, on which was to depend the decision of all our rights. Lord Howe's fleet has not yet arrived. The first division sailed five days before he did, but report says it was scattered by a storm. This seems probable, as Lord Howe had a long passage. The other two divisions were not

[1] Originally published in Randall's *Life of Jefferson*, vol. III, p. 582.

sailed when he came away. I do not expect his army will be here and fit for action till the middle or last of August; in the meantime, if Mercer's camp could be formed with the expedition it merits, it might be possible to attack the present force from the Jersey side of Staten Island, and get rid of that beforehand; the militia go in freely, considering they leave their harvest to rot in the field.

I have received no letter this week, which lays me under great anxiety. I shall leave this place about the 11th of next month. Give my love to Mrs. Eppes, and tell her that when both you and Petty fail to write me, I think I shall not be unreasonable in insisting she shall.

TO JOHN PAGE.[1]

PHILADELPHIA, Aug. 5, 1776.

DEAR PAGE,—I am sorry to hear that the Indians have commenced war, but greatly pleased you have been so decisive on that head. Nothing will reduce those wretches so soon as pushing the war into the heart of their country. But I would not stop there. I would never cease pursuing them while one of them remained on this side the Mississippi. So unprovoked an attack and so treacherous a one should never be forgiven while one of them remains near enough to do us injury. The Congress having had

[1] From the collection belonging to Mr. Cassius F. Lee, of Alexandria, Va.

reason to suspect the Six nations intended war, instructed their commissioners to declare to them peremptorily that if they chose to go to war with us, they should be at liberty to remove their families out of our settlements, but to remember that they should not only never more return to their dwellings on any terms but that we would never cease pursuing them with war while one remained on the face of the earth; and moreover, to avoid equivocation, to let them know they must recall their young men from Canada, or we should consider them as acting against us nationally. This decisive declaration produced an equally decisive act on their part; they have recalled their young men, and are stirring themselves with anxiety to keep their people quiet, so that the storm we apprehended to be brewing there it is hoped is blown over. Colonel Lee being unable to attend here till the 20th inst. I am under the painful necessity of putting off my departure, notwithstanding the unfavorable situation of Mrs. Jefferson's health. We have had hopes till to-day of receiving an authentication of the next year's delegation, but are disappointed. I know not who should have sent it, the Governor, or President of Convention: but certainly somebody should have done it. What will be the consequence I know not. We cannot be admitted to take our seat on any precedent or the spirit of any precedent yet set! According to the standing rules not only an authentic copy will be required, but it must be entered in the journals ver-

batim that it may there appear we have right to sit. This seems the more necessary as the quorum is then to be reduced. Some of the newspapers, indeed, mention that on such a day such and such gentlemen were appointed to serve for the next year, but could newspaper evidence be received? They could not furnish the form of the appointment, not yet that quorum is to be admitted.

Lord Howe is recruiting fast. Forty odd ships arrived the other day, and others at other times. It is questionable whether our recruits come in so speedily as his. Several valuable West Indian men have been taken and brought in lately, and the spirit of privateering is gaining ground fast. No news from Ticonderoga. I enclose you (to amuse your curiosity) the form of the prayer substituted in the room of the prayer for the King by Mr. Duché, chaplain to the Congress. I think by making it so general as to take in Conventions, assemblies, etc., it might be used instead of that for the parliament. Adieu.

TO FRANCIS EPPES.[1]

PHILADELPHIA, Aug. 9th, 1776.

DEAR SIR,—As Colonel Harrison was about to have some things packed, I set out upon the execution of your glass commission, and was surprised to find that the whole glass stores of the city could not make out anything like what you desired. I, therefore, did

[1] Originally published in Randall's *Life of Jefferson*, vol. III, p. 584.

what I thought would be best, imagining you wanted the number you mentioned at any event, and that not being able to get them of that form, you would take them of any other. I, therefore, got 4 pint cans, 10*s*; 2 quart do. 8*s*; and six half-pint tumblers, 6*s*., all of double flint. So that there still remains in my hands £4 16*s*., Pennsylvania currency.

Your teckle is not yet come. It seems the man who had promised to sell it to the gentleman I employed to get it, now raises some difficulties either to get off others which he calls the set, or to enhance the price. However, the gentleman still expects it, and I am after him every day for it. Our galleys at New York have had a smart engagement with the men-of-war which went up the river; it is believed the enemy suffered a good deal. The galleys are much injured, though we lost but two men. The commander writes us word he retired, that he might go and give them another drubbing, which in plain English meant, I suppose, that he was obliged to retire. General Washington commends the behavior of the men much. They lay pretty close to the enemy, and two of the galleys were exposed to the broadside of their ships almost the whole time. The damage done them proves they were in a warm situation. Madison (of the college) and one Johnson, of Augusta, were coming passengers in the New York Packet; they were attacked by one of our armed vessels, and nothing but the intervention of night prevented the packet being taken. She is arrived at New York,

and they permitted to come. In a letter by them, we have intelligence that the French ministry is changed, the pacific men turned out, and those who are for war, with the Duke de Choiseul at their head, are taken in. We have also the king's speech on the prorogation of parliament, declaring he will see it out with us to the bitter end.

The South Carolina army with Clinton, Sr., arrived at Staten Island last week, one of their transports, with 5 companies of Highlanders, having first fallen into General Lee's hands. They now make Lord Howe 12,000 strong. With this force he is preparing to attack. He is embarking his cannon; has launched 8 galleys, and formed his men-of-war into line of battle. From these circumstances, it is believed the attack of New York will be within three or four days. They expect with the utmost confidence to carry it, and they consider our army but as a rude undisciplined rabble. I hope they will find it a Bunker's Hill rabble. Notwithstanding these appearances of attack, there are some who believe, and with appearance of reason, that these measures are taken by the enemy to secure themselves and not to attack us. A little time will show. General Arnold (a fine sailor) has undertaken to command our fleet on the lakes. The enemy are fortifying Oswego, and I believe our army there, when recovered from their sickness, will find they have lost a good campaign, though they have had no battle of moment.

My love to Mrs. Eppes. I hope my letter by last post got there time enough to stay Patty with her a while longer. Adieu.

TO ————.[1]

PHILADELPHIA, Aug. 13, 1776.

DEAR SIR,—Yours of August 3rd came to hand yesterday; having had no moment to spare since, I am obliged to set down to answer it at a Committee table while the Committee is collecting. My thoughts, therefore, on the subject you propose will be merely extempore. The opinion that our lands were allodial possessions is one which I have very long held, and had in my eye during a pretty considerable part of my law reading which I found always strengthened it. It was mentioned in a very hasty production, intended to have been put under a course of severe correction, but produced afterwards to the world in a way with which you are acquainted. This opinion I have thought and still think to prove if ever I should have time to look into books again. But this is only meant with respect to the English law as transplanted here. How far our acts of assembly or acceptance of grants may have converted lands which were allodial into feuds I have never considered. This matter is now become a mere speculative point; and we have it in our power to make it what it ought to be for the public good.

[1] From the collection of Dr. J. S. H. Fogg, of Boston, Mass. This letter was probably written to Edmund Pendleton.

It may be considered in the two points of view 1st. as bringing a revenue into the public treasury. 2d. as a tenure. I have only time to suggest hints on each of these heads. 1. Is it consistent with good policy or free government to establish a perpetual revenue? Is it not against the practice of our wise British ancestors? Have not the instances in which we have departed from this in Virginia been constantly condemned by the universal voice of our country? Is it safe to make the governing power when once seated in office, independent of its revenue? Should we not have in contemplation and prepare for an event (however deprecated) which may happen in the possibility of things; I mean a re-acknowledgment of the British tyrant as our king, and previously strip him of every prejudicial possession? Remember how universally the people ran into the idea of recalling Charles the 2d after living many years under a republican government.—As to the second was not the separation of the property from the perpetual use of lands a mere fiction? Is not its history well known, and the purposes for which it was introduced, to wit, the establishment of a military system of defence?

Was it not afterwards made an engine of immense oppression? Is it wanting with us for the purpose of military defence? May not its other legal effects (such of them at least as are valuable) be performed in other more simple ways? Has it not been the practice of all other nations to hold their lands as

their personal estate in absolute dominion? Are we not the better for what we have hitherto abolished of the feudal system? Has not every restitution of the ancient Saxon laws had happy effects? Is it not better now that we return at once into that happy system of our ancestors, the wisest and most perfect ever yet devised by the wit of man, as it stood before the 8th century.

The idea of Congress selling out unlocated lands has been sometimes dropped, but we have always met the hint with such determined opposition that I believe it will never be proposed.—I am against selling the lands at all. The people who will migrate to the westward whether they form part of the old, or of a new colony will be subject to their proportion of the Continental debt then unpaid. They ought not to be subject to more. They will be a people little able to pay taxes. There is no equity in fixing upon them the whole burthen of this war, or any other proportion than we bear ourselves. By selling the lands to them, you will disgust them, and cause an avulsion of them from the common union. They will settle the lands in spite of everybody.—I am at the same time clear that they should be appropriated in small quantities. It is said that wealthy foreigners will come in great numbers, and they ought to pay for the liberty we shall have provided for them. True, but make them pay in settlers. A foreigner who brings a settler for every 100, or 200 acres of land to be granted him pays a better price than if he had put

into the public treasury 5/or 5£. That settler will be worth to the public 20 times as much every year, as on our old plan he would have paid in one payment. I have thrown these loose thoughts together only in obedience to your letter; there is not an atom of them which would not have occurred to you on a moment's contemplation of the subject. Charge yourself therefore with the trouble of reading two pages of such undigested stuff. WORD UP

By Saturday's post the General wrote us that Lord Howe had got (I think 100) flat bottomed boats alongside, and 30 of them were then loaded with men; by which it was concluded he was preparing to attack, yet this is Tuesday and we hear nothing further. The General has by his last return, 17,000 some odd men, of whom near 4000 are sick and near 3000 at out posts in Long Island, etc. So you may say he has but 10,000 effective men to defend the works of New York. His works, however, are good and his men in spirits, which I hope will be equal to an addition of many thousands. He had called for 2000 men from the flying camp which were then embarking to him and would certainly be with him in time even if the attack was immediate. The enemy have (since Clinton and his army joined them) 15,000 men of whom not many are sick. Every influence of Congress has been exerted in vain to double the General's force. It was impossible to prevail on the people to leave their harvest. That is now in, and great numbers are in motion, but they have no

chance to be there in time. Should, however, any disaster befall us at New York they will form a great army on the spot to stop the progress of the enemy. I think there cannot be less than 6 or 8000 men in this city and between it and the flying camp. Our council complain of our calling away two of the Virginia battalions. But is this reasonable. They have no British enemy, and if human reason is of any use to conjecture future events, they will not have one. Their Indian enemy is not to be opposed by their regular battalions. Other colonies of not more than half their military strength have 20 battalions in the field. Think of these things and endeavor to reconcile them not only to this, but to yield greater assistance to the common cause if wanted. I wish every battalion we have was now in New York.—We yesterday received dispatches from the Commissioners at Fort Pitt. I have not read them, but a gentleman who has, tells me they are favorable. The Shawanese and Delawares are disposed to peace. I believe it, for this reason. We had by different advices information from the Shawanese that they should strike us, that this was against their will, but that they must do what the Senecas bid them. At that time we knew the Senecas meditated war. We directed a declaration to be made to the six nations in general that if they did not take the most decisive measures for the preservation of neutrality we would never cease waging war with them while one was to be found on the face of the earth. They immediately

changed their conduct and I doubt not have given corresponding information to the Shawanese and Delawares.

I hope the Cherokees will now be driven beyond the Mississippi and that this in future will be declared to the Indians the invariable consequence of their beginning a war. Our contest with Britain is too serious and too great to permit any possibility of avocation from the Indians. This then is the season for driving them off, and our Southern colonies are happily rid of every other enemy and may exert their whole force in that quarter.

I hope to leave this place some time this month.

I am, dear Sir, your affectionate friend.

P. S. Mr. Madison of the college and Mr. Johnson of Fredericksburgh are arrived in New York. They say nothing material had happened in England. The French ministry was changed.

TO JOHN PAGE.[1]

PHILADELPHIA, Aug. 20, 1776.

DEAR PAGE,—We have been in hourly expectation of the great decision at New York, but it has not yet happened. About three nights ago an attempt was made to burn the two ships which had gone up the river. One of the two fire-rafts prepared for that

[1] Copy of a letter owned by the American Antiquarian Society of Worcester, Mass.

purpose grappled the Phenix ten minutes, but was cleared away at last. A tender however was burnt. The two ships came down on Sunday evening and passed all our batteries again with impunity. Lord Dunmore is at Staten Island. His sick he sent to Halifax, his effective men he carried to Staten Island and the blacks he shipped off to the West Indies. Two gentlemen who had been taken prisoners by the enemy have made their escape. They say they are now 20,000 and that another division of 5,000 foreigners is still expected. They think Lord Howe will not attack these 10 days, but that he does not wait for his last division, being confident of victory without. One of these informants was captain of a continental vessel going for ammunition. The mate and crew rose and took the vessel. They fell in with the division of the Hessians which came with the Hessian general and were brought to. The general learning from the dethroned captain what had happened, immediately threw the piratical mate into irons, and had the captain to dine with him every day till they got to Halifax where he delivered him, vessel, etc. over to the English.—A gentleman who lived some time in this city, but since last winter has become a resident of St. Eustatia writes that by a Dutch ship from Amsterdam they have advice that the states of Holland had refused to renew the prohibition on the exportation of powder to the colonies, or to cede to the English the Scotch brigade in their service, or to furnish them with some men

of war asked of them by the British court. This refusal so piqued the ministry that they had been induced to take several Dutch ships, amongst which he said were two which sailed from that island and were carried to London, another to St. Kitt's. In consequence of this the Dutch have armed 40 ships of war and ordered 60 more to be built and are raising 20,000 land forces. The French Governor-in-chief of their West Indies has not only refused to permit a captain of a man of war to make prize of our vessels in their ports but forbidden them to come within gun shot of the ports. The enemy's men of war being withdrawn from our whole coast to New York gives now fine opportunities of getting in powder. We see the effect here already.

Two Canadians who had been captains in our Canadian regiment and who, General Gates writes us, are known in the army to be worthy of good credit made their escape from St. John's, and came over to our army from Ticonderoga; and give the following intelligence. The enemy did not fortify any place we abandoned. They had 2000 men at Isle aux noix under General Fraser, 2000 at St. John's under Carleton and some at Montreal. 250 only had been left at Quebec. It was reported that 4000 English troops which were to have been a part of that army had perished at sea which gave great uneasiness. The fleet brought over timber, etc., for 50 boats which they attempted to transport by land from the mouth of Sorel to St. John's, but could not for want of car-

riages which had been destroyed. Carleton, therefore, employed Canadians to build batteaux at St. John's. He has rendered himself very odious to the Canadians by levying contributions on them in general and confiscating the estates of all those who followed our army or who abscond. Great numbers of the Germans desert daily and are anxiously concealed by the inhabitants. 70 Brunswickers disappeared in one day. Their officers are so much afraid of bush-fighting and ambushes that they will not head any parties to pursue the runaways. The men have the same fears, which prevents them from deserting in so great numbers as is supposed they will when once our fleet shall appear cruising on the lake to receive and protect them. Between the 22d and 24th July Carleton and the other generals abandoned all their posts on this side Sorel except St. John's with as great precipitation as our poor sick army had done, carrying with them their artillery and provisions. This was occasioned by the arrival and mysterious manœuvres of a fleet at Quebec supposed French, hoisting different colours and firing at Tenders sent from the town to enquire who they were. 200 men were left at Isle aux noix to send them intelligence of our operations, who they say will go down the river if we return into Canada. For this event the Canadians are offering up prayers at the shrines of all their saints. Carleton some time ago hearing that we were returning with a considerable reinforcement was so terrified that

he would have retired immediately had not some of his spies come in and informed him of the deplorable situation to which the small pox had reduced our army.—They are recovering health and spirits. General Gates writes that he had accounts of the roads being crowded with militia coming to his assistance. 600 from New Hampshire came in while he was writing his letter, being the first. His fleet had sailed from Ticonderoga to Crown Point. Their number and force as follows.

	Guns.	Swivels.	Men.
1 Schooner	12, 4 lbrs.	10	50
1 Sloop	12, 4 "	10	50
1 Schooner	4, 4 " 4, 2 lbrs.	10	35
1 do	2, 4 " 6, 2 "	8	35
2 Galleys, each	1, 12 " 2, 9 "	8	45
2 do "	3, 9 "	8	45
2 do not quite rigged.			

Eight more galleys would be ready to join them in a fortnight when they would proceed down the Cape. General Arnold (who is said to be a good sailor) had undertaken the command. We have 200 fine ship carpenters (mostly sent from here) at work. I hope a fleet will soon be exhibited on that lake such as it never bore. The Indians have absolutely refused Carleton in Canada and Butler at Niagara to have anything to do in this quarrel, and applaud in the highest terms our wisdom and candor for not requiring them to meddle. Some of the most sensible speeches I ever saw of theirs are on this head, not to be spoken to us, but behind our backs

in the councils of our enemies. From very good intelligence the Indians of the middle department will be quiet. That treaty is put off till October. Were it not that it interferes with our Assembly I would go to it, as I think something important might be done there, which could not be so well planned as by going to the spot and seeing its geography. We have great fear that the sending an agent from Virginia to enlist Indians will have ill consequences. It breaks in upon the plan pursued here and destroys that uniformity and consistency of counsels which the Indians have noticed and approved in their speeches. Besides they are a useless, expensive, ungovernable ally.—I forgot to observe that a captain Mesnard of Canada had come to General Gates after the two above mentioned and confirmed their account in almost every article. One of the German deserters travelled with him to within 20 miles of our camp, when he was obliged to halt through fatigue. He passed 3 others of them. —Baron Woedeke is dead, no great loss from his habit of drinking.—The infamous Bedel and Butterfield were ordered by Congress to be tried for their conduct. They have been tried by a Court martial, condemned and broke with infamy. We inclose to you all the Commissions mentioned in the last letter of the delegates, except Innis's to be forwarded to the Eastern shore immediately, and Weedon's and Marshall's who we are informed are on the road hither. Would to God they were in New York. We wait

your recommendation for the two vacant majorities. Pray regard militaryment alone. The commissions now sent do not fix the officers to any particular battalion so that the commanding officer will dispose of them. Cannot you make use of any interest with Lee or Lewis to call Innis over to the western shore. He pants for it, and in my opinion has a right to ask it. Adieu, Adieu.

Davis with the 4000 pounds of gun powder and 90 stand of arms for Virginia got into Egg Harbor. We have sent wagons for the powder to bring it here, and shall wait your further order. We were obliged to open Van Bibber and Harrison's letter to the Council of safety of Virginia in order to take out the bill of lading without which it would not be delivered.

TO JOHN ADAMS.[1]

WILLIAMSBURGH, 16 May, 1777.

Matters in our part of the continent are too much in quiet to send you news from hence. Our battalions for the Continental service were some time ago so far filled as rendered the recommendation of a draught from the militia hardly requisite, and the more so as in this country it ever was the most unpopular and impracticable thing that could be attempted. Our people, even under the monarchical government, had learnt to consider it as the last of all

[1] Found in the Works of John Adams, vol. IX, p. 465.

oppressions. I learn from our delegates that the confederation is again on the carpet, a great and a necessary work, but I fear almost desperate. The point of representation is what most alarms me, as I fear the great and small colonies are bitterly determined not to cede. Will you be so good as to collect the proposition I formerly made you in private, and try if you can work it into some good to save our union? It was, that any proposition might be negatived by the representatives of a majority of the people of America, or of a majority of the colonies of America. The former secures the larger, the latter, the smaller colonies. I have mentioned it to many here. The good whigs, I think, will so far cede their opinions for the sake of the Union, and others we care little for.

The journals of Congress not being printed earlier, gives more uneasiness than I would wish ever to see produced by any act of that body, from whom alone I know our salvation can proceed. In our Assembly, even the best affected think it an indignity to freemen to be voted away, life and fortune, in the dark. Our House have lately written for a manuscript copy of your journals, not meaning to desire a communication of any thing ordered to be kept secret. I wish the regulation of the post-office, adopted by Congress last September, could be put in practice. It was for the travel night and day, and to go their several stages three times a week. The speedy and frequent

communication of intelligence is really of great consequence. So many falsehoods have been propagated that nothing now is believed unless coming from Congress or camp. Our people, merely for want of intelligence which they may rely on, are become lethargic and insensible of the state they are in. Had you ever a leisure moment, I should ask a letter from you sometimes, directed to the care of Mr. Dick, Fredericksburgh; but having nothing to give in return, it would be a tax on your charity as well as your time. The esteem I have for you privately, as well as for your public importance, will always render assurances of your health and happiness agreeable. I am, dear sir, your friend and servant.

TO RICHARD HENRY LEE.[1]

WILLIAMSBURG, June 5, 1778.

DEAR SIR,—I am now to acknowledge the receipt of two of your favors, during the session of Assembly, but there being little to communicate to you, and that, being a busy time with me, has prevented my doing it sooner. The Assembly rose on Monday last; their only act which can shortly aid our army, was one for raising a regiment of horse, which, I think, will be raised as fast as it can be accoutred. Another act they passed, will also produce aid to our army, I hope, but it will be some delay first; it

[1] Found in Lee's *Life of R. H. Lee*, vol. II, p. 187.

was for giving great encouragement to soldiers, and appointing recruiting officers all over the country, to attend all public places. By a third act, they foolishly repeated the experiment of raising volunteers; the first attempt was pardonable, because its ill-success could not be foreseen; the second is worse than ridiculous, because it may deceive our friends; I am satisfied there will not be a company raised. I wish Congress would commute a good part of the infantry required from us, for an equivalent force in horse. This service opens us a new fund of young men, who have not yet stepped forth; I mean those whose indolence or education, has unfitted them for foot service; this may be worth your thinking of. We passed the bill of pardon, recommended by Congress, but the Senate rejected it. Your letter, about enlarging your powers over the confederation, was not proceeded on, because the nature of the enlargement was not chalked out by you so intelligibly as enabled the house to do anything, unless they had given a *carte blanche*. Indeed, I believe, that, had the alterations proposed been specified unless they had been mere form, indeed, it might have been difficult to obtain their consent. A Frenchman arrived here a week ago, with a vast cargo of woolens, made and unmade, stockings, shoes, etc., fit for the army, fifty thousand weight of powder, and other articles; the master had once sold the whole cargo, to the Governor and Council, for 5*s* 3*p* the

livre, first cost; but, on suggestions from some of our forestallers, and those from Maryland, he flew off. Our bay is clear of the enemy. Nothing new here. I set out for Albemarle, within a day or two. Mr. Harvie will be with you in about three weeks. My compliments to your brethren of the delegation, and am, dear sir, your friend and servant.

TO REV. SAMUEL HENLEY.[1]

WILLIAMSBURGH, June 9, 1778.

REVEREND SIR,—Mr. Madison I believe informed you by letter written some time ago that one of your boxes of books left in his care burst open in removing it from the college to the president's house for greater security. This accident discovered them to be in a state of ruin. They had contracted a dampness and stuck together in large blocks, insomuch that they could not sometimes be separated without tearing the cover. I happened to be in town and was of opinion with Mr. Madison that it was necessary to overhaul them and give them air. Indeed, we both thought—I think it would be for your interest to have them sold, as books are now in considerable demand here, and, packed as they are in boxes, they must sustain injury. There are many of them which I would be glad to take myself at their sterling cost and would remit you the money

[1] Copy of a letter belonging to Hon. John Boyd Thacher, of Albany, N. Y.

by the way of France. That cost might be fixed either by note from yourself, informing me what they cost you, or by the estimate of anybody here in whom you trust. Upon a presumption that you could not but approve of the proposal to have them disposed of and the money remitted, for the reasons before given and others which you may apprehend but would be improper for me to explain, I have taken the liberty of laying apart many of them for myself, leaving with Mr. Madison a catalogue of them, and ready to return them to him if you shall direct it. I shall be glad of your answer as soon as possible, and will gladly serve you in the care of any interest you may have left here. The reasons are obvious which restrain this letter to matters of business. As soon as the obstacles to friendly correspondence are removed I shall be glad at all times to hear from you. I am, Reverend Sir,

Your friend and servant.

TO RICHARD HENRY LEE.[1]

MONTICELLO, April 21, 1779.

DEAR SIR,—Among the convention prisoners in this neighborhood is a Baron de Geismar of the Germans, brigade major to General Gall, whose situation I would wish to make you acquainted with. He is the only son of a German nobleman, and has I believe an only sister; his father, now 70 years of

[1] From the collection of Dr. Thomas Addis Emmet, of New York City.

age, if living; and excessively anxious to see him before his death. His patrimonial expectations in danger of being transferred to others in the weak state of his father, or perhaps plundered in the case of his death; the footing on which he stands with his prince such as might give him reason to hope for protection were he on the spot, but everything of that kind certain of passing by him as long as he is absent. Under the circumstances, captivity is peculiarly injurious to him, and he petitions Congress to exchange him if possible, or otherwise permit him to return home on any parole they will describe. I am satisfied he will carry with him no disposition to injure us; and his personal merit, with which I am become intimately acquainted, entitles him to every indulgence consistent with the indispensable rules of Congress. I take the liberty of recommending his request to your solicitations, as from a knowledge of the man I am become interested in his happiness. Whatever you can do for him will be considered as a peculiar obligation on, Dear Sir, Your friend and servant.

TO GABRIEL JONES.[1]

MONTICELLO, April 29, 1779.

DEAR SIR,—By Mrs. Harvey I inclose to you the principal and interest of the money you were so kind as to lend me some years ago. It furnishes me also

[1] Found in *The Balance*, vol. II, p. 194.

with an occasion of acknowledging, with this, the many other obligations under which you have laid me, of which I shall always be proud to show a due sense, whenever opportunities shall offer. I am, dear sir, with much esteem, your friend and servant.

TO WILLIAM FLEMING.[1]

WILLIAMSBURGH, June 8, 1779.

DEAR FLEMING,—I received your letter and have now to thank you for it. Some resolutions of Congress came to hand yesterday desiring an authentic state to be sent them of the cruelties said to have been committed by the enemy during their late invasion. The Council had already taken measures to obtain such a state. Though so near the scene where these barbarities are said to have been committed I am not able yet to decide within myself whether they were such or not. The testimony on both sides is such as if heard separately could not admit a moment's suspension of our faith.

We have lately been extremely disturbed to find a pretty general opinion prevailing that peace and the independence of the thirteen states are now within our power, and that Congress have hesitations on the subject, and delay entering on the consideration. It has even been said that their conduct on this head has been so dissatisfactory to the French Minister that he thinks of returning to his

[1] Published in the *Southern Literary Messenger*, vol. III, p. 306.

own country, ostensibly for better health, but in truth through disgust. Such an event would be deplored here as the most dreadful calamity. It is in contemplation of some gentlemen who conferred on the subject to propose the re-establishment of our committees of correspondence; others thought this too slow for the emergency and that plenipotentiary deputies should be sent to satisfy the mind of the French Minister, and to set on foot proper measures for procuring the genuine sense of the several States. The whole, however, subsided on a supposition that the information might not be true, and that our delegates in Congress would think no obligations of secrecy under which they may have been laid sufficient to restrain them from informing their constituents of any proceedings which may involve the fate of their freedom and independence. It would surely be better to carry on a ten years' war some time hence than to continue the present an unnecessary moment.

Our land office I think will be opened; the sale of British property take place, and our tax bill put on a better footing. These measures I hope will put our finances into a better way and enable us to co-operate with our sister states in reducing the enormous sums of money in circulation. Every other remedy is nonsensical quackery. The house of delegates have passed a bill for removing the seat of government to Richmond. It hesitates with the Senate. We have established a board of war and a board of trade. I

hear from your quarter that General Sullivan is marching with a large army against the Indians. If he succeeds it will be the first instance of a great army doing anything against Indians and his laurels will be greater. We have ever found that chosen corps of men fit for the service of the woods, going against them with rapidity, and by surprise, have been most successful. I believe that our Colonel Clarke if we could properly reinforce him, would be more likely to succeed against those within his reach than General Macintosh's regular method of proceeding. I shall hope to hear from you often. I put no name to this letter, because letters have miscarried, and if it goes safely you know the hand.

TO THEODORICK BLAND, JR.[1]

WILLIAMSBURG, June 8th, 1779.

SIR,—Your letter to Governor Henry, of the 1st instant, came to hand yesterday, and I immediately laid it before the council. It gave them pain to hesitate on any request from General Phillips, whose polite conduct has disposed them to every indulgence consistent with the duties of their appointment. The indiscriminate murder of men, women and children with the horrid circumstances of barbarity practised by the Indian savages, was the particular task of Governor Hamilton's employment; and if anything could have aggravated the acceptance

[1] Found in *The Bland Papers*, vol. I, p. 133.

of such an office, and have made him personally answerable in a high degree, it was that eager spirit with which he is said to have executed it, and which, if the representations before the council are to be credited, seems to have shown that his own feelings and disposition were in unison with his employment. The truth of these representations will be the subject of their inquiry shortly, and the treatment of Governor Hamilton will be mild or otherwise, as his conduct shall appear to merit, upon a more intimate examination. We trust it must furnish a contemplation highly pleasing to the generous soldier, to see honorable bravery respected, even by those against whom it happens to be enlisted, and discriminated from the cruel and cowardly warfare of the savage, whose object in war is to extinguish human nature.

By a letter dated May 27th, you were desired to discharge the militia under your command as soon as you judged it proper; lest that letter should have miscarried, I now enclose you a copy. Colonel Finnie informs me he has written to you to apply for clothes at Winchester, for the use of your regiment of guards, and of the horse now with you. He yesterday showed me a letter from the continental board of war, giving the same directions; he says also that he had lately written to you on the subject of the articles desired for your particular use, and that he is not enabled to procure them more fully.

As to putting the horse now with you on the same pay-roll with the regiment of guards, the council are of opinion that either your own powers are competent to it, or at least that it may be done in concert with the continental paymaster. The regiment of guards is recognized as continental; the duty they are jointly engaged in is continental; they, therefore, wish that this matter should go into the continental line altogether, rather than be controlled by their interference, where it is not absolutely necessary. I am your most obedient servant, etc.

TO RICHARD HENRY LEE.[1]

WILLIAMSBURG, June 17, 1779.

DEAR SIR,—I received your letter, and kind congratulations, for which I return you my thanks. In a virtuous government, and more especially in times like these, public offices are, what they should be, burthens to those appointed to them, which it would be wrong to decline, though foreseen to bring with them intense labor, and great private loss. I am, also, still to thank you for a former favor, enclosing a song and receipt. We have little new here. Colonel Clarke's expedition against St. Vincents you know of; his prisoners are arrived at Chesterfield, and three of them brought to this place to be severely dealt with; the enclosed paper will explain that matter. We have 300 men, under

[1] Found in Lee's *Life of R. H. Lee*, vol. II, p. 189.

Colonel Bowman, in the Shawnee county, of whom we hope to receive good accounts: the destruction of the villages of the Cherokees, at Chuchamogga, and taking their goods, etc., has brought them to sue for peace; but the happiest stroke was the burning twenty-thousand bushels of corn, collected there for the use of the expeditions, which were to have been adopted at the great council. Governor Hamilton had called at the mouth of the Tanissee, as mentioned in the within paper. It is a cruel thought, that, when we feel ourselves standing on the firmest ground, in every respect, the cursed art of our secret enemies, combining with other causes, should effect, by depreciating our money, what the open arms of a powerful enemy could not. What is to be done? Taxation is become of no account, for it is foreseen, that, notwithstanding its increased amount, there will still be a greater deficiency than ever. I own I see no assured hope, but in peace, or a plentiful loan of hard money.

I shall be obliged by your letters, when convenient to you to write. I never was a punctual correspondent to any person, as I must own to my shame; perhaps my present office will put it more out of my power; however, as it may sometimes furnish me with matter which may induce me to hope my letters may be worth sending, I may venture to say, you shall hear from me whenever I can get over the two-fold difficulty of many letters of absolute necessity, to write, and an innate aversion to that kind of business.

TO THEODORICK BLAND, JR.[1]

WILLIAMSBURGH, June 18th, 1779.

SIR,—Yours of the 14th instant came to hand this day. * * * With respect to Colonel Finnie, as a continental officer, we decline medling with his conduct; being yourself in the continental service, we take it for granted, that if he fails in his duty you will put him under a proper train of enquiry? His assurances to us are fair; one thing only I am to inform you, that however true it may be that he is without money, it is no just excuse for failing to do anything for the public service, because that was never permitted by the executive here, to be on sufferance for want of money. He never applied in vain, and we still are, as we ever have been, ready to lend him (as a continental officer) any monies, which the due discharge of his office may call for * * * and politeness at the least hardly permits them to suppose the duties of the post can be as well discharged by any other, as by yourself. But your health for that very reason is the more to be taken care of. You will please to permit Captain Bertling and Lieutenant Campbell to pass by land to the lower ferry of the Chickahominy, where the Flag lies, and finally settle the business, on which he came, according to the rules usual in their service. I enclose you the reasons, which have induced the council to act with such

[1] Found in *The Bland Papers*, vol. I, p. 138.

rigor with Governor Hamilton and the others there. It is impossible for any generous man to disapprove his sentence. I am, sir, with much respect, your most obedient and most humble servant, etc.

TO GENERAL BARON DE RIEDESEL.[1]

FORREST, July 4, 1779.

SIR,—Your kind letter of June 19 I received on the 2d inst. It is now some time since Colonel Bland wrote for leave to grant Permits to Captain Bartling and Lieutenant Campbell to come to the Argyle flag. Leave was immediately given by letter to Colonel Bland. Some time after I received another letter from him, accompanied with one from General Phillips informing me that Lieutenant Campbell was come as far as Richmond, and waited for a permit to proceed. A permit was instantly made out and dispatched. Captain Bartling was not mentioned on that occasion and therefore no permit was made out for him. The 3d inst. was fixed for Lieutenant Campbell to be at the Flag to do his business, and it was only on the day before that your letter came to me by post. I shall instantly write to Captain Bartling giving him license to proceed, if his business remains still to be done, by a conveyance which occurs tomorrow. I thought it necessary to give you this

[1] From the collection of Dr. Thomas Addis Emmet, of New York City.

detail of circumstances that any delays which may happen might be ascribed to those accidents which may have caused them.

I thank you for your kind congratulations; though condolations would be better suited to the occasion not only on account of the labors of the office to which I am called, and its withdrawing me from retirement, but also the loss of the agreeable society I have left of which Madame de Riedesel and yourself were an important part. Mrs. Jefferson in this particular sympathizes with me, and especially on her separation from Madame de Riedesel. We are told you set out for the Berkely springs about the middle of month. We fear that this excursion, necessary for your amusement to diversify the scenes of discomfort, may deprive us of the pleasure of seeing you when we come to Monticello the last of this month. We shall stay there about a month. Mrs. Jefferson joins me in compliments to yourself and Madame de Riedesel, I shall be able to execute her commission as to the spoons and bring them up with me.

TO THE GOVERNOR OF CANADA.

(SIR GUY CARLETON.)

WILLIAMSBURG, July 22d, 1779.

SIR,—Your letter on the subject of Lieutenant Governor Hamilton's confinement came safely to

hand. I shall with great cheerfulness explain to you the reasons on which the advice of Council was founded, since after the satisfaction of doing what is right, the greatest is that of having what we do approved by those whose opinions deserve esteem.

We think ourselves justified in Governor Hamilton's strict confinement on the general principle of national retaliation. To state to you the particular facts of British cruelty to American prisoners, would be to give a melancholy history from the capture of Colonel Ethan Allen, at the beginning of the war to the present day, a history which I will avoid, as equally disagreeable to you and to me. I with pleasure do you the justice to say that I believe these facts to be very many unknown to you, as Canada has been the only scene of your service in America, and, in that quarter, we have reason to believe that Sir Guy Carleton, and the three officers commanding there, have treated our prisoners (since the instance of Colonel Allen) with considerable lenity. What has been done in England, and what in New York and Philadelphia, you are probably uninformed; as it would hardly be made the subject of epistolary correspondence. I will only observe to you, Sir, that the confinement and treatment of our officers, soldiers and seamen, have been so rigorous and cruel, as that a very great portion of the whole of those captured in the course of this war, and carried to Philadelphia

while in possession of the British army and to New York, have perished miserably from that cause only; and that this fact is as well established with us, as any historical fact which has happened in the course of the war. A Gentleman of this Commonwealth in public office, and of known and established character, who was taken on the sea, carried to New York and exchanged, has given us lately a particular information of the treatment of our prisoners there. Officers taken by land, it seems, are permitted to go on parole within certain limits of Long Island, till suggestions shall be made to their prejudice by some Tory refugee, or other equally worthless person, when they are hurried to the Provot in New York, without enquiring "whether they be founded upon positive facts, be matter of hearsay, or taken from the reports of interested men." The example of enquiring into the truth of charges of this nature according to legal principles of evidence, has surely not been set us by our enemies. We enquired what these Provots were and were told they were the common miserable jails, built for the confinement of malefactors. Officers and men taken by sea were kept in prison ships infested with [ ] ught on by the crowd [ ][1] from five to ten a day. When, therefore, we are desired to the possible consequence of treating prisoners with rigor,

[1] The brackets indicate that several lines at the bottom of one of the pages of this letter are missing.

I need only ask when did those rigors begin? not with us assuredly. I think you, Sir, who have had as good opportunities as any British officer of learning in what manner we treat those whom the fortune of war has put in our hands can clear us from the charge of rigor as far as your knowledge or information has extended. I can assert that Governor Hamilton's is the first instance which has occurred in my own country, and, if there has been another in any of the United States, it is unknown to me; these instances must have been extremely rare, if they have ever existed at all, or they could not have been altogether unheard of by me, when a uniform exercise of kindness to prisoners on our part has been returned by as uniform severity on the part of our enemies. You must excuse me for saying it is high time, by other lessons, to teach respect to the dictates of humanity, in such a case retaliation becomes an act of humanity.

But suppose, Sir, we were willing still longer to decline the drudgery of general retaliation, yet Governor Hamilton's conduct has been such as to call for exemplary punishment on him personally. In saying this I have not so much in view his particular cruelties to our Citizens, prisoners with him (which though they have been great, were of necessity confined to a small scale) as the general nature of the service he undertook at Detroit and the extensive exercise of cruelties which they

involved. Those who act together in war are answerable for each other. No distinction can be made between principal and ally by those against whom the war is waged. He who employs another to do a deed makes the deed his own. If he calls in the hand of the assassin or murderer, himself becomes the assassin or murderer. The known rule of warfare of the Indian Savages is an indiscriminate butchery of men, women and children. These savages, under this well known character, are employed by the British Nation as allies in the war against the Americans. Governor Hamilton undertakes to be the conductor of the war. In the execution of that undertaking, he associates small parties of the whites under his immediate command with large parties of the savages, and sends them to act, sometimes jointly, and sometimes separately, not against our forts or armies in the field, but the farming settlements on our frontiers. Governor Hamilton is himself the butcher of men, women and children. I will not say to what length the fair rules of war would extend the right of punishment against him; but I am sure that confinement under its strictest circumstances, for Indian devastation and massacre must be deemed lenity. I apprehend you had not sufficiently adverted to the expression in the advice of the Council when you suppose the proclamation there alluded to, to be the one addressed to the inhabitants of the Illinois afterwards printed in the public papers and to be

affirmed to contain 'denun
[ ][1] ians'
Proclamation, there alluded to, contained nothing more than an invitation to our officers and soldiers to join British arms against those whom he is pleased to call Rebels and Traitors. In order to introduce these among our people, they were put into the hands of the Indians; and in every house, where they murdered or carried away the family, they left one of these proclamations, some of them were found sticking on the breasts of the persons murdered, one under the hand and seal of Governor Hamilton came to our hands. The Indians being the bearers of proclamations under the hand and seal of Governor Hamilton (no matter what was the subject of them) there can be no doubt they were acting under his direction, and, as including this proof, the fact was cited in the advice of the Council. But if you will be so good as to recur to the address of the Illinois, which you refer to, you will find that, though it does not in express terms threaten vengeance, blood and massacre, yet it proves that the Governor had made for us the most ample provision of all these calamities. He there gives in detail the horrid catalogue of savage nations, extending from South to North whom he had leagued with himself to wage combined war on our frontiers; and it is well known that that war would of course be made up of blood and general massacres of men,

[1] Two lines missing.

women and children. Other papers of Governor Hamilton's have come to our hands containing instructions to officers going out with scalping parties of Indians and Whites, and proving that kind of war was waged under his express orders; further proofs in abundance might be adduced, but I suppose the fact is too notorious to need them.

Your letter seems to admit an inference that, whatever may have been the general conduct of our enemies towards their prisoners, or whatever the personal conduct of Governor Hamilton, yet, as a prisoner by capitulation, you consider him as privileged from strict confinement. I do not pretend to an intimate knowledge of this subject. My idea is that the term "prisoners of war" is a generic one, the specification of which is—1st Prisoner at discretion; and 2d prisoners on convention or capitulation. Thus in the debate of the house of Commons of the 27th November last, on the address, the minister, speaking of General Burgoyne (and in his presence) says he is "a prisoner," and General Burgoyne calls himself "a prisoner under the terms of the Convention of Saratoga," intimating that though a prisoner, he is a prisoner of a particular species entitled to certain terms. The treatment of the first class ought to be such as to be approved by the usage of polished nations; gentle and humane unless a contrary conduct in an enemy or individual, render a stricter treatment necessary. The prisoners

of the second class have nothing to exempt them from a like treatment with those of the first except so far as they shall have been able to make better terms by articles of Capitulation. So far then as these shall have provided for an exemption from strict treatment so prisoners on Capitulation have a right to be distinguished from those at discretion [ ][1] certain causes antecedent thereto, though such instances might be produced, from English history, too, and in one case where the King himself commanded in person. Marshal Boufflers after the taking of the castle Namur was arrested and detained prisoner of war by King William though by an article of capitulation it was stipulated that the officers and soldiers of the garrison in general, and Marshal Boufflers by name should be at liberty. However, we waive reasoning on this head because no article in the Capitulation of Governor Hamilton is violated by his confinement. Perhaps not having seen the Capitulation, you were led to suppose it a thing of course that being able to obtain terms of surrender, they would first provide for their own treatment. I enclose you a copy of the Capitulation, by which you will see that 2d Article declares them prisoners of war; and nothing is said as to the treatment they were to be entitled to. When Governor Hamilton signs, indeed, he adds a flourish, containing the motives inducing him to capitulate, one of which

[1] Two lines missing.

was confidence in a generous enemy. He should have reflected that generosity on a large scale would take side against him. However, these were only his private motives and did not enter into the contract with Colonel Clarke. Being prisoners of war then, with only such privileges as their Capitulation had provided, and that having provided nothing on the subject of their treatment, they are liable to be treated as other prisoners. We have not extended our order, as we might justifiably have done to the whole of this corps. Governor Hamilton and Captain Lamothe alone, as leading offenders, are in confinement. The other officers and men are treated as if they had been taken in justifiable war; the officers being at large on their parole, and the men also having their liberty to a certain extent. Dejean was not included in the Capitulation, being taken 8 days after on the Wabache 150 miles from St. Vincennes.

I hope, Sir, that being made more fully acquainted with the facts on which the advice of Council was grounded, and exercising your own good sense in cool and candid deliberation on these facts, and the consequences deducible from them according to the usages and sentiments of civilized nations, you will see the transaction in a very different light from that in which it appeared at the time of writing your letter, and ascribe the advice of the Council, not to want of attention to the sacred nature of public conventions, of which I hope we shall never,

in any circumstances, lose sight, but to a desire of stopping the effusion of ye unoffending blood of women and children, and the unjustifiable severities exercised on our captive officers and soldiers in general, by proper severities on our part. I have the honor to be with much personal respect, Sir, your most obedient and most humble servant.

TO COLONEL WILLIAM FLEMING.[1]

ALBEMARLE, Aug. 7, 1779.

SIR,—The enclosed order will explain to you the general plan adopted for regimenting, officering and stationing the two Western battalions. We are in hopes you will so far proceed in concert with the other commissioners as that the chain of posts to be recommended may form a complete western defence, leaving no chasm in the middle. We wish you, when you report the stations proposed, to advise us also to what particular station it will be best for the men of each county respectively to go. As it will not be long before the men ought to be raised according to the directions of the law, and it will be proper for the Executive to pay immediate attention to the procuring arms and camp utensils for them. I should, therefore, be glad if you will be so good as to lay before them a state of the arms in your possession or at any other convenient station:

[1] From the collection of Dr. Thomas Addis Emmet, of New York City.

also for your opinion what proportion of the men should be furnished with rifles, where rifles are to be had and on what terms.

TO THE COUNTY LIEUTENANT OF HAMPSHIRE.[1]

August 17, 1779.

Sir,—You are desired to call together your Field Officers and in conjunction with them to recommend to the Executive a Captain and Lieutenant to take command in one of the battalions to be raised for the defence of the western frontier, under an act of the late Assembly entitled an act for raising a body of troops for the defence of the Commonwealth. The men to be raised in your County under the same act, and the Officers to be recommended by you, are to hold themselves in readiness on the shortest warning to proceed to such western rendezvous as shall be notified to them by the Executive or the Field Officer who shall be directed to take command of them.

Be pleased to transmit your recommendations to the Executive in Williamsburgh by the earliest opportunity you can, and also to report to them from time to time your progress in raising your men.

[1] Copy of a letter belonging to Hon. Elliot Danforth, of Albany, N. Y.

TO THE PRESIDENT OF CONGRESS.

(JOHN JAY.)

WILLIAMSBURG, Sept. 25, 1779.

SIR,—The various calamities which during the present year have befallen our crops of wheat, have reduced them so very low as to leave us little more than seed for the ensuing year, were it to be solely applied to that purpose. This country is, therefore, unable to furnish the necessary supplies of flour for the convention troops, without lessening, by so much as should be purchased, the sowing for another crop. I am, therefore, to submit to you, Sir, the expediency of ordering your Commissary General to send supplies of this article from the Head of Elk or wherever else you may think best, to Richmond. Colonel Aylett informs us they will require about ten thousand barrels for a year's supply. We hope there will be a plenty of forage and of all other articles, necessary for their subsistence, raised within this State.

TO CHEVALIER DE LA LUZERNE, THE FRENCH MINISTER.[1]

IN COUNCIL, NOV. 10, 1779.

SIR,—In compliance with the request which you were pleased to lay before us, I am now to authorize

[1] Copied from the original letter owned by Hon. Elliot Danforth, of Albany.

the forces of his most Christian Majesty to land in such place, and his vessels to withdraw into such harbors of this Commonwealth as the Admiral or other commanding officer shall think proper, and to procure houses for the purpose of hospitals. In determining on the place of his debarkation and encampment, he will be pleased to follow his own judgment; receiving from us his information that the farther he can withdraw his vessels up our rivers into the country, the more it would be in our power to assist in defending them against any attack from the enemy.

York river according to our present idea would offer itself as the most defensible, but in this, etc., the board of war will issue orders for their immediate supply of provisions from our magazines, and will aid them with such of our vessels as may be necessary for procuring further supplies and landing their sick and other purposes.

These general resources seem to be all we can take for their present relief, till their wants shall be more particularly laid before us. We beg leave to take this early occasion to assure you that we shall receive into our State the forces of his most Christian Majesty with the utmost cordiality and spare nothing which shall be within our power to aid and accommodate them in whatever situation they shall choose.

But in this or any other we greatly apprehend the difficulties and distresses which may arise from the want of proper houses for hospitals.

I shall take great pleasure in showing on every occasion which shall occur, my personal gratitude and affection to your nation, and the particular esteem with which I am, Sir,

Your most obedient and most humble servant.

TO GENERAL WASHINGTON.

RICHMOND, April 10th, 1780.

SIR,—The state of the recruiting business in this country is as follows: There are some draughted soldiers in different parts of the country, but they are so far, so disposed, and enlisted for so short a time that we have not thought them worth the expense of gathering up. There are recruits raising under a standing law concerning officers, soldiers, sailors and marines; these are enlisted for the war by a person resident in each county. We have an Officer appointed who rides the circuit of the County once in two months to receive these men at certain places of rendezvous. He has just finished his circuit, and we have sent on about fifty of these recruits under the command of Captain Minnis to the southward. All the officers of the Virginia Line now in the State, who have (according to a request of the Executive) applied for recruiting instructions and money, have received them. These have been given with a particular view of reenlisting such soldiers of their respective regiments, as are discharged, or

are entitled to a discharge. I hear they are tolerably successful; as to the 1st and 2d State Regiments particularly, there not having been money in the treasury enough to reenlist them at the time they became entitled to discharges, their officers (as I am informed) postponed paying them off, gave them furloughs to visit their friends till the 1st of May, at which time they were to rendezvous at Williamsburg and Fredericksburg, and it was hoped money would then be ready for reenlisting them. In the meantime considerable sums have been furnished the officers, and more will be provided, and there is good reason to hope this Judicious[1] of their officers will enable us to recover most of them. Colonel Harrison's regiment of artillery is very considerably recruited. Under the preceding state of things, I do not know of any immediate service with which we need to trouble you: perhaps you could be instrumental in getting orders from the proper authority for such of the above regiments as are not ordered to the southward to march thither by fifties as far as they are recruited. We have such orders for all other new recruits not yet regimented; but I do not consider those as orders authorizing the march of men raised by the officers of a particular battalion for their battalion, and that not under marching orders.

[1] The adjective judicious is capitalized and made a noun in the MS.

TO GENERAL EDWARD STEVENS.

RICHMOND, July 19, 1780.

SIR,—I think it proper to inclose you a paragraph from a late Act of Assembly putting the militia with you under martial law; it is the only part of the Act which relates at all to the militia, for which reason I do not send the whole Act, the clerks being very busy. This Act having been made after the militia went on duty may perhaps be thought by them to be in the nature of an ex post facto law; but as it is in your power to restrain its penalties from all acts previous to its promulgation by you and even, if you please, from all subsequent ones except desertion, and such others as you shall find necessary, they may perhaps think it less hard.

TO JAMES MADISON.[1]

RICHMOND, July 26, 1780.

DEAR SIR,—With my letter to the President I enclose a copy of the bill for calling in the paper money now in circulation, being the only copy I have been able to get. In my letter to the Delegates, I ask the favor of them to furnish me with authentic advice when the resolutions of Congress shall have been adopted by five other States. In a private

[1] Copied from a letter belonging to Hon. Elliot Danforth, of Albany.

letter I may venture to urge great dispatch and to assign the reasons.

The bill on every vote prevailed, but by small majorities; and on one occasion it escaped by two voices only. Its friends are very apprehensive that those who disapprove of it, will be active in the recess of Assembly to produce a general repugnance to it, and to prevail on the Assembly in October to repeal it. They therefore think it of the utmost consequence to get it into a course of execution before the Assembly meets. I have stated in my public letter to you what we shall consider as authentic advice, lest a failure in that article should increase the delay. If you cannot otherwise get copies of the bill, it would be worth while to be at some extraordinary expense to do it.

Some doubt has arisen here to which quarter our 3000 draughts are to go, as Congress directed 5000 militia to be raised and sent to the southward, including what were ordered there and these 3000 (which I think will be 3500) draughts are raised in lieu of so many militia.

The matter seems clear enough when we consider that a fourth or fifth of the enemy's force are in South Carolina. It could not be expected that North Carolina which contains but a tenth of the American militia, should be left to support the southern war alone, more especially when the regular force to the northward and the expected aids are taken into the scale. I doubt more whether the balance

of the 1,900,000 dollars are meant by Congress to be sent northwardly, because in a resolution subsequent to the requisition of the sum before mentioned, they seem to appropriate all the moneys from Maryland southward to the southern military chest. We shall be getting ready the balance in which great disappointments have arisen from an inability to sell our tobacco, and in the meantime wish I could be advised whether it is to go northward or southward. The aids of money from the State through the rest of the present year will be small, our taxes being effectually anticipated by certificates issued for want of money and for which the sheriffs are glad to exchange their collections rather than bring them to the treasury. Congress desired North Carolina and Virginia to recruit, remount, and equip Washington's and White's horse. The whole has been done by us except as to 200 saddles which the Quartermaster expects to get from the northward. This draws from us about six or seven hundred thousand pounds, the half of which I suppose is so much more than was expected from us. We took on us the whole, because we supposed North Carolina would be considerably burthened with calls for occasional horse, in the present low state of our cavalry, and that the disabled horses would be principally to be exchanged there for fresh.

Our troops are in the utmost distress for clothing as are also our officers. What we are to do with the 3000 draughts when they are raised I cannot foresee.

Our new institution at the College has had a success which has gained it universal applause. Wythe's school is numerous, they hold weekly courts and assemblies in the Capitol. The professors join in it, and the young men dispute with elegance, method and learning. This single school by throwing from time to time new hands well principled, and well informed into the legislature, will be of infinite value.

TO MAJOR WALL.[1]

December 21st, 1780.

Sir,—I laid before the Council the Rev. Mr. Fanning's letter to Mr. Tazewell together with the letters and other papers found on Mr. Wickham—The general expectations of remaining in this country, with which the enemy (and probably) this young gentleman came into it, the political character of the gentleman under whose auspices he came, his not leaving the enemy till they were obliged to retire, and the complexion of his own journals and letters, are circumstances which place him, in their belief, among the enemies of this country. Nothing appears which even leads to a suspicion that a difference in political sentiment was among the motives which led him from his connections with the enemy to seek a union with this country.

[1] Published in *Calendar of Virginia State Papers*, vol. II, p. 205.

The manner of his effecting his transition from the one party to the other, was not likely to produce any other than a hostile reception—he becomes an enemy from an enemy, in the midst of our country, with arms in their hands, attempts to pass without application to, or leave from, any officer civil or military, and to bear letters, negotiating an interview between an officer high in the adverse command, and citizens of this State. Under these unfavourable circumstances, the Board cannot but deem him an enemy, and (being within our power) a prisoner of war—They are at the same time as thoroughly satisfied of the decided principles of Whigism which have distinguished the character of the Rev. Mr. Fanning, that they shall think this young gentleman perfectly safe under his care, so long as he stays in this State; to him, therefore, they remit him until a flag, daily expected from New York into Potomac River, shall be returning to that place, when they shall expect him to take his passage back, first calling on the Commissioner of the War Office to give a proper parole.

TO ———— ?[1]

IN COUNCIL, December 21, 1780.

SIR,—I have received authority from the Legislature to provide clothing and blankets for the

[1] Published in the *Historical Magazine*, vol. XIV, p. 244.

troops by seizing the same which will be accompanied by endeavors to purchase. Agents are out procuring salted beef and others setting out to procure pork in as large quantities as they are to be had to be stored on the Roanoke and its navigable waters. Ten thousand barrels of flour will certainly be provided; the number of wagons which have been delivered to the Continental Quartermaster since the date of General Gates' requisition I have not yet been able to procure a return of, nor the quantities of spirits delivered to the Continental Commissary; considerable deliveries of both articles have been made. Any other measures which may have been taken by the Assembly for further compliance with the requisitions of General Greene are yet uncommunicated to me; as arms were never among the requisitions made by Congress on the several States, this State never supposed it would be expected they should provide that article for their quota of Continental troops; they have only had in view to procure from time to time so many as might arm their militia when necessity required the calling them into service. From this stock they have furnished arms for Continental use till it is so reduced that they have not the smallest prospect of being able from the State magazines to spare as many as will arm their new Continental levies.

TO ROWLAND MADISON.

RICHMOND, December 24th, 1780.

SIR,—It being found necessary to undertake an expedition into the country beyond the Ohio, you are desired to apply for and receive from Mr. Callaway of New London under the order inclosed one thousand weight of good musket or rifle powder and to conduct the same to Montgomery court house. You are also to apply for and receive fifteen weight of lead from the manager of the lead mines under an order likewise inclosed and to convey it to the same place. You are moreover to act as Quartermaster and Commissary for the militia from Green Brier one hundred and thirty seven in number who are ordered to rendezvous at Montgomery court house by the 20th day of February next and to proceed thence with them to the falls of Ohio. You will, therefore, provide subsistence for them and forage necessary for the march, and are hereby authorized to call on any commissioners of the provision law or commissaries having public provisions in their hands to furnish you. You are moreover desired to purchase three hundred pack horses, pack saddles, halters and bells, which may serve to carry the ammunition before mentioned, provisions and the baggage of the men to the falls of Ohio where the whole will be received by Colonel Clarke and your office determined. We expect you will purchase these horses for £1500 a piece, though

aware of this necessity for purchasing them, we do not limit you absolutely in price, but rely on your discretion to get them as cheap as you can. For these several purposes you receive £500,000—take great care to obtain such authority and protection from the commanding officer of the militia that your horses may not be subject to be rode or unnecessarily burthened, and that you may be able to deliver them in good condition at the falls of Ohio. I am to warn you to use the greatest expedition in performing these several duties, and to see that you be in readiness with every thing required of you at Montgomery court house by the 20th day of February as a failure on your part will inevitably defeat the whole design. Your accounts are to be finally settled with the board of auditors.

TO MAJOR-GENERAL BARON STEUBEN.[1]

RICHMOND, December 31st, 1780.

SIR,—I have this moment received information that 27 sail of vessels, 18 of which were square rigged, were yesterday morning just below Willoughby's Point. No other circumstance being given to conjecture their force or destination, I am only able to dispatch General Nelson into the lower country, to take such measures as exigencies may require for the instant, until further information is

[1] Copy of the original letter belonging to the Sparks Manuscripts of Harvard University.

received here. Then or in the mean time your aid and counsel will be deemed valuable.

TO BRIGADIER-GENERAL THOMAS NELSON.

RICHMOND, January 2d, 1781.

SIR,—It happened unfortunately from the tenor of Mr. Wray's letter which gave us the first intelligence of the appearance of an enemy we had reason to expect more precise information within a few hours: none such having come within fifty hours, the first intelligence had become totally disbelieved. At 10 o'clock this morning I first received confirmation of it. Orders go out by the members of Assembly to call together half the militia of the most convenient counties for present opposition and one fourth from more distant counties. We mean to have four thousand six hundred militia in the field. In this number is not included any below this county. Hanover, Chesterfield, Dinwiddie, Sussex and Southampton, all below these counties we have left uncalled on to be drawn by you (or such of them as you think proper) into such parts of the lower country as you shall think best. Mr. Brown the Commissary has orders to send a deputy to furnish you with provisions. I do myself the pleasure of sending you a Commission. I pray you to send as frequent intelligence as possible. Expresses being in readiness for this purpose at Williamsburg and New Kent Court House. Be pleased to give

the same notice to the militia as formerly that no man will be ever discharged till he shall have returned whatever public arms or accoutrements he shall have received: be also particular in noting what is delivered to every man. We mean to appoint the field officers on the same plan as in the former invasion from the resigned and supernumerary, preserving the ranks of those gentlemen accurately as among themselves.

TO MAJOR-GENERAL BARON STEUBEN.

January 2d, 1781.

Sir,—I have this moment received a confirmation of the arrival of a hostile fleet consisting of 19 ships, 2 brigs, and 10 sloops and schooners. The advance of the fleet were yesterday morning in Warrasqueak Bay, and just getting into motion up the river with a favorable wind and tide: their destination from the intelligence of deserters and some captured mariners, whom they put on shore, is somewhere up the river, supposed to be Petersburg. We shall be very glad of the aid of your counsel in determining on the force to be collected, and other circumstances necessary to be attended to, for the purpose of opposition, if it be convenient for you to call on the Council immediately.

[1] Copied from a letter in the Sparks Manuscripts belonging to Harvard University.

TO COLONEL FRANCIS TAYLOR.

IN COUNCIL, January 4, 1781.

SIR,—The enemy now appear to be pushing to this place and we know not how much further thev may attempt to penetrate. A suspicion that the Conventioners might be induced to attempt a co-operation and by that means distract the efforts of our people renders it necessary that in the instant of your receiving this you put those troops into motion without waiting for their baggage or anything else, within a very few hours we expect you may throw the whole across the Blue Ridge and it may be well for you to call on the counties of Augusta, Amherst and Albemarle to collect a force at Rockfish gap to oppose any pursuit. I would not have those counties on account of such a call withhold the militia required to come here. They must furnish so many additional as you call for. A multiplicity of business puts it out of my power to send you written powers of impress. But you must exercise that power for every purpose only requiring you to keep exact lists of their certificates to be returned to the auditors as directed on a former occasion.

TO COLONEL RICHARD MEADE.

IN COUNCIL, January 4, 1781.

SIR,—The present invasion having rendered it necessary to call into the field a large body of militia

the providing them with subsistence, and the means of transportation becomes an arduous task in the unorganized state of our military system. To effect this we are obliged to vest the heads of the Commissary's and Quartermaster's Departments with such powers as if abused will be most afflicting to the people. Major-General Baron Steuben taught by experience on similar occasions has pressed on us the necessity of calling to the superintendence of these officers some gentleman of distinguished character and abilities, who, while he prescribes to them such rules as will effectually produce the object of their appointment, will yet stand between them and the people as a guard from oppression. Such a gentleman he would propose to consider as of his family; under the exigency we have taken the liberty of casting our eyes on yourself as most likely to fulfill our wishes and, therefore, solicit your undertaking this charge; in doing this we rely on the impulse of purer motives than those which would spring from any pecuniary reward it is our power to offer. At the same time we cannot with justice permit that any expenses incurred in such a station should be borne by yourself. I shall hope to receive your answer by the return of the bearer.

TO MAJOR-GENERAL BARON STEUBEN.[1]

MANCHESTER, Jany. 7th, 1781.

SIR,—Your letter of this morning on the subject of finding where the arms have been sent and having them put into the hands of the militia I have this morning received. I think most of the arms have been sent off in different directions by the orders of Colonel Davies, whom I believe to be, therefore, best acquainted with their situation. If I did not misunderstand him to-day he has accordingly directed particular bodies of militia to go to particular places to receive arms. However (if I do not go to Richmond to-night which I have some thought of doing) I will write to Colonel Muter to appoint some proper person to undertake and execute this business immediately as you desire; as I wish exceedingly to relieve you from every unnecessary embarrassment when I know you are exposed to but too many which are unavoidable.

TO MAJOR-GENERAL BARON STEUBEN.[1]

MANCHESTER, Jan. 7th, 1781.

SIR,—I have thought myself very unfortunate in missing of you for two days though riding over the same ground on which you were. On my arrival here I was informed you were at Ampshill

[1] Copied from the original letter belonging to the Sparks Manuscripts, of Harvard University.

and was setting out for there, when a gentleman came who assured me you were at Ozborne's and having rode thirty miles through the rain, I have not resolution enough to undertake to go to Ozborne's this evening.

I received your letter of yesterday at Westham at noon. I fear it will be impossible to furnish the thousand stand of arms you desire. Colonel Davies has sent some hundreds from Westham to different places to be put into the hands of the militia coming in. He has undertaken to have those remaining there separated, in order that such as are capable of being used may be sent to you, and I have engaged persons who are gone out to impress wagons to transport them to you. Colonel Davies seemed doubtful to what place they should be ordered. I mean to continue here or at Richmond to see whether I can collect the several staff officers of the State, and have the benefit of their services on the present occasion. I shall be very happy to aid those of the Continent with every power I am invested with. While at either of these places I shall be able to communicate both with yourself and General Nelson, and to do everything you will be pleased to suggest for the service. I fear the want of arms fit for service will be a most distressing circumstance. Are there no Continental arms which can be used on the present occasion? I mean to endeavor to collect hands and tools immediately to repair arms. Tools will be the most difficult to be procured.

TO MAJOR-GENERAL BARON STEUBEN.

RICHMOND, January 9, 1781.

SIR,—Mr. Granville Smith, a State Quartermaster, now waits on you. As I am not thoroughly acquainted with the Continental regulations, I shall just mention to you my ideas on this particular matter without laying any stress on them and leave to your determination the propriety of using Mr. Smith. I have ever understood that the rule of Congress was to admit no expenses to be Continental which were incurred by any State merely under an apprehension of an invasion; but that whenever a State was actually invaded all expenses became Continental. This I know was the rule while I was a member of Congress, but as it is four years since I was a member of Congress, I cannot affirm of my own knowledge, though I have understood that it is still the rule. The practice here has accordingly been for the Continental Quartermaster to come into duty as soon as the State has been invaded; he being appointed under the authority of Congress, it has been supposed that he could best regulate all expenses according to the Continental rules. The State Quartermaster not being appointed under Congress, not possessing their confidence, nor subject to their removal or punishment, seems for these reasons an improper person to dispense their monies. I submit these matters, however, altogether to yourself. Should you think

it proper that the State Quartermaster should act, Mr. Smith is instructed to receive your orders: he is a discreet and sensible person.

TO COLONEL JOHN NICHOLAS.

January 10, 1781.

Sir,—I am not fond of encouraging an intercourse with the enemy for the recovery of property; however I shall not forbid it while conducted on principles which are fair and general. If the British Commander chooses to discriminate between the several species of property taken from the people; if he chooses to say he will restore all of one kind, and retain all of another, I am contented that individuals shall avail themselves of this discrimination; but no distinctions of persons must be admitted. The moment it is proposed that the same species of property shall be restored to one which is refused to another, let every application to him for restitution be prohibited. The principles by which his discrimination would be governed are but too obvious, and they are the reverse of what we should approve.

TO BRIGADIER-GENERAL THOMAS NELSON.

Richmond, Jany. 12, 1781.

The enemy left a number of horses at Westover which they had taken during the late incursion,

Colonel Nicholas very properly ordered a party to take charge of them and bring them to the Quartermaster where they might be kept for the owners to come and claim them; but I am well informed that in the meantime several men of Captain Hockaday's command of Charles City have plundered and carried them off. These men being under your command I beg you to take the most coercive measures for compelling a restitution and letting them know that the most rigorous and exemplary punishment will be inflicted on every man who shall be known to have one of them and not to deliver him up. Such as are recovered be so good as to have brought up. The mischief done us by our citizens plundering one another has far exceeded what the enemy did.

TO MAJOR-GENERAL BARON STEUBEN.

RICHMOND, Jany. 13, 1781.

SIR,—I received your favor of the 11th by Mr. Smith. I cannot say at what point of time the expenses attending an invasion become Continental. I suppose Congress have some fixed rule on that subject, which, whatever it be when applied to all the States, will be equal.

From the time at which they called for specie quotas of provisions from the several States, they seem to have considered their purchasing Commissaries as useless, and, therefore, desired us, whenever

we should have appointed a person to furnish the specifics, we would discontinue their purchasing Commissaries. We appointed Mr. Brown to procure the specifics, which he is either to deliver to certain store keepers appointed by the Continental Quartermasters or to the Continental issuing Commissaries. I think, therefore, Mr. Brown may continue to act with you with propriety and I hope he will with effect. We did not discontinue Continental Deputy Commissary of purchases here (Major Forsyth) but his acceptance of a similar office in another quarter seems to have determined his former commission. I have heard nothing from the enemy since their reaching Sandy Point; this leaves me very anxious for our shipyard up the Chickahominy.

I have lately received some dispatches which render it necessary for Colonel Clarke to proceed immediately to the western country. I have written to him on this subject, and hope he will obtain your permission to return. I did not expect at the time he went to you that his stay would have been rendered so short.

If this incursion of the enemy should much longer postpone the execution of the late law for raising new levies, it will be among its worst effects. Yet this law cannot be carried into execution in those counties from which militia are sent. Foreseeing this, when you had favored us with your advice as to the numbers which should be called into the field we confined the call to the following

counties, and requiring from each a fourth we expected the following numbers:

Halifax 247	Albemarle . ..218	Lunenburg 168
Charlotte 156	Fluvanna 65	Mecklenburg....212
Prince Edward.142	Goochland 145	Brunswick 325
Bedford 325	Cumberland 102	Dinwiddie 175
Buckingham ...162	Powhatan 71	Chesterfield 164
Amherst 224	Amelia 275	Henrico 155
Sussex 175	Southampton ...218	Rockbridge.....146
Augusta.....344	Rockingham. ...219	Shenandoah 216
		Total 4650

The whole amount is something larger than you desired but we of course expected deficiencies. Some of the adjacent counties were called on at first for one half, and afterwards the whole of their militia for present defence. In like manner General Nelson was authorized to call on certain other counties for present defence; but it was meant that as soon as the proportions above mentioned from the counties particularly named were come in, all others should be dismissed. I state this matter to you supposing you will think with me that the sooner you can begin the business of arranging your force on the plan originally intended, the better it will be. As soon as the whole militia of the counties, not meant to be kept in the field, can be discharged we will send the act into those counties and have it carried into execution.

TO BRIGADIER-GENERAL THOMAS NELSON.

RICHMOND, Jany. 15th, 1781.

DEAR GENERAL,—I have never heard a tittle of the enemy since your information that they were at Sandy Point the day after they left Westover; nor is anything known at this place as to their subsequent movements. As this want of intelligence might eventually be fatal, I have ordered an express to be stationed at Bottom's Bridge, another at New Kent Court House, a third at Bird's tavern, a fourth at Williamsburg, a fifth half way between that and Hampton, and a sixth at Hampton. It will be easy for Mr. Kemp to throw letters from you whereever situated into this line and as each rider will have but 15 miles out and the same back, they may if necessary be put into motion every day. By the same means you may have communication with Hampton. Your business may probably put it out of your power to write so often, but hope that some of the gentlemen about you may be able to give us intelligence every day or two.

TO JACOB WRAY.

RICHMOND, Jany. 15th, 1781.

For want of intelligence may be ascribed a great part of, if not the whole of the enemy's late successful incursions to this place. They appeared in the Bay on the Saturday, no notification of it addressed

to the Executive came to hand till 10 o'clock A. M. on Tuesday. There did, indeed, on Sunday morning come to my hands a letter which you were so kind to write to General Nelson informing him that 27 sail had been seen in the Bay and that Commodore Barron had gone to reconnoitre them more closely. But as it was not known whether they were friends or foes, and we hoped more particular intelligence on the return of Commodore Barron, none but the lower militia were called out, till the Tuesday following, by which two days were completely lost: which would have added so much to the collection of militia in this quarter as to have rendered doubtful at least whether the enemy could have got here.

I mention these circumstances to show you the necessity of our being better furnished with intelligence of the enemy's movements, and to apologize for my troubling you with the task of communicating everything interesting through the line of expresses stationed at every 15 miles from hence to Hampton. One is to be fixed by Mr. Kemp at Hampton, will set out on yours or Commodore Barron's orders and deliver his dispatches to the next who is ordered to be stationed half way between Hampton and Williamsburg: the particular place I cannot inform you, but the express may do it. I hope you will be so good as to undertake this trouble and to continue it so long as it may be necessary to keep up the line.

TO BRIGADIER-GENERAL THOMAS NELSON.

RICHMOND, January 15, 1781.

DEAR GENERAL,—As I suppose by this time you may have more men than arms, and there are no more arms fit for use remaining in the public stock, economy will require that the surplus militia be discharged. This measure is the more necessary as the law for raising new levies remains unexecuted while the militia are from the counties. I shall, therefore, take the liberty of pointing out to you, as I have done to Baron Steuben, what particular militia should be first discharged. On confirmation of the intelligence that a hostile fleet had arrived we asked the advice of Baron Steuben as to the numbers which should be brought into the field: He advised 4000: we, therefore, called on the following counties for one fourth of their militia, which we expected would produce the numbers as annexed to them, viz:

Halifax 247	Cumberland 102	Sussex 175
Buckingham ...162	Mecklenburg....212	Rockingham ...219
Goochland.....145	Henrico 155	Bedford.....325
Lunenburg 169	Augusta 344	Fluvanna 65
Chesterfield 164	Prince Edward ..142	Amelia 275
Rockbridge 146	Albemarle 218	Dinwiddie.....175
Charlotte 156	Powhatan 71	Southampton ...218
Amherst 224	Brunswick 325	Shenandoah 216

The amount (4650) was greater than the Baron's requisition because we of course expected deficiencies. The above were intended to be kept in the

field for some time; but some of these counties were distant, we called on those in the neighborhood of this place at first for one half and afterwards for all their fighting men for present defence, meaning that as soon as those before enumerated should be in the field, those called for present defence should be discharged. In like manner you are authorized for the purpose of hasty opposition to call out certain counties, which it was likewise our idea to discharge on receiving the force which was to remain. Whenever, therefore, all your arms shall be taken up, should more militia come in we would choose that you discharge so many of those counties not originally called on, or of those which though originally called on have yet more than one fourth in the field. By these means we shall in time have in the field the militia of those particular counties only which were first called on, and the other counties being all at home we may proceed to send to them the law for raising levies in order to its execution.

TO MAJOR-GENERAL NATHANAEL GREENE.

RICHMOND, Jan'y 16, 1781.

SIR,—Your favors of the 14th and 31st December remain unanswered. I have been less attentive to the communication of our progress in preparing for the southern war as Baron Steuben who knows all our movements gives you no doubt full information from time to time. The present invasion of this

State you have been before apprised of by the Baron. The very extraordinary and successful attempt of the enemy on this place you will also have heard of. The enclosed paper containing a pretty exact narrative of it I take the liberty of transmitting to you. The enemy, on the Baron's approaching towards Hood's, hoisted sail and with the assistance of a very fine gale which sprung up in the instant, they fell down the river in a very short time. When they came we were in a very fine way of providing both subsistence and men; they have amazingly interrupted both operations: the latter indeed has been totally suspended. I have just written to Baron Steuben so to arrange his force of militia, as by permitting those from the greater number of counties to return home, to put into our power to have the law for raising regulars carried into execution. This his anxiety for a regular force will lead him to do with all practicable expedition.

Your bill in favor of Mr. St. Laurence is accepted, and will be paid as soon as the several boards resume business. When the departure of the enemy, or indications of their fixed plans as to this country shall have enabled me to judge how far they will interrupt our succors to you, I will take the earliest opportunity of stating to you under every head of your requisitions from us what we shall have a prospect of doing.

TO ABNER NASH, GOVERNOR OF NORTH CAROLINA.

RICHMOND, Jany. 16, 1781.

SIR,—I am honored with your Excellency's favor of the 3d instant and am to thank you for your permission and countenance to our pork purchases.

The late invasion of this State by the enemy should not have been so long uncommunicated to you by me, but that the very extraordinary movement they made was such in its nature as to allow little time to those concerned in Government to think of anything but the providing means of opposition and in the mean time withdrawing everything from their power. From a fatal inattention to the giving us due notice of the arrival of a hostile force two days were completely lost in calling together the militia: a time which events proved would have added so much of our collection of militia as to have rendered doubtful their getting from this place. The winds favoring them in a remarkable degree they almost brought news themselves of their movements. They were landed within twenty-six miles of this place before we had reason to suspect they would aim at it. The little interval of twenty-three hours between that and their actual arrival here was assiduously and successfully employed in withdrawing the public stores from hence and from Westham seven miles above this. This was so far done that our loss did not exceed 300 muskets, about 5 tons of powder, some sulphur, 5 field pieces, four pounders

and some inferior articles of no great account. The letters and records of the Executive were the greater part lost. They retired hastily to their shipping after 23 hours possession of the place. The interruption which they have given to raising men and providing subsistence is likely to be very injurious. We are endeavoring to get over this difficulty also as well as we can. Should any movements take place interesting to your State I shall communicate them to your Excellency as soon as known to me, the communication will be circuitous. Perhaps should they take post at Portsmouth, you might think it expedient to establish a line of expresses to the neighborhood of that place.

TO BRIGADIER-GENERAL THOMAS NELSON.

IN COUNCIL, January 20th, 1781.

DEAR GENERAL,—I will send to Mr. Brown the Commissary the paragraph from your letter relative to provisions with orders to him to take measures for relief. At the same time I wish the principal expenditures could be in Indian meal that the flour might be kept as much as possible for the summer's use. Major Hollier has no authority to make exchange prisoners with the enemy. The enclosed Proclamation will show you the principles on which we approved to wit that a citizen shall be considered as a soldier if he were taken in arms, embodied as a soldier, and acting under the com-

mand of his officer. You will perceive that the circumstances are necessary to distinguish from a citizen engaged in his domestic or other occupations. Any equal exchange made on these principles and approved by yourself shall be considered as valid.

TO BRIGADIER-GENERAL THOMAS NELSON.

RICHMOND, January 25th, 1781.

SIR,—I gave orders to Mr. Brown to send you a sufficiency of flour to fill up any intervals which might happen between your supplies of Indian meal. We think the stands of arms you have directed to be purchased at Baltimore are a great bargain if they be really good and will certainly find means of paying for them. The corn at Cumberland was Continental property having been delivered to Colonel Finnie long ago. On the present invasion we had that with other public stores moved up to New Castle as a place of greater safety. The other stores, indeed, we meant to withdraw to other places: but not the corn. However, I learn that our Quartermaster has in distress for that article been obliged to send for some of it for his horses here, and we have lately ordered a considerable number of public horses too poor for service to be carried and fattened there; by which means we shall save so much of it to the Continent. We have determined to convene the Assembly on the first

day of March. The printer will enable us to send out the laws which require immediate execution this week. I make no doubt but by that time you will have received either from their counties or from Baron Steuben so many of the militia meant to be retained as will enable you to discharge the others. Indeed, the Baron Steuben means to reduce the number originally intended to 2700 infantry which will enable him to send back those of a greater number of counties. With respect to the paroled men my sentiments are these. Had I unwarily entered into an engagement of which the laws of my country would not permit me to fulfill I should certainly deliver myself to the enemy to cancel that engagement and free my personal honor from imputation. Nevertheless if any of them choose to remain and to perform freely all legal duties, I do not know that Government is bound to send these people in to the enemy. It is very different from the case of a military officer breaking his parole, who ought ever to be sent in. We deny the propriety of their taking paroles from unarmed farmers. But as in any event the only justifiable punishment of a breach of parole is confinement, so should the enemy hang a single man for this cause, we will instantly retaliate by hanging their prisoners in equal number. This may be declared to the paroled men who you say are ready to take arms. Mr. Granville Smith received yesterday a warrant for £20,000 for the contingent expenses of your camp,

to be called out only on your order. As the money press is not yet at work it will be some days before he will get it.

P. S. Mr. Brown just informs of your application for spirits. There is not a hogshead belonging to the State, but very great quantities in the hands of the Continental Commissaries. I have special returns of upwards of twenty thousand gallons delivered them by the Commissioners of the Provision Law and no doubt great quantities of which there is no return. As on actual invasions all reasonable expenses are Continental you are undoubtedly authorized to call on their Commissaries or should you have a doubt Baron Steuben will clear it up. A Mr. Lyon one of those Commissaries at York can certainly supply you. I would observe to you that Baron Steuben informed me in conversation that spirit would be allowed as a part of the daily ration but only on particular occasions.

TO THE VIRGINIA DELEGATES IN CONGRESS.

RICHMOND, January 26th, 1781.

GENTLEMEN,—I shall now beg leave to answer your letter of the 1st instant which enclosed a Paper from Baron de Arendt. Mr. William Lee was some

time ago invested with a special agency from this State; having received, however, no instructions from him of his having engaged any other person to transact any part of it, we are uninformed as to his stipulations with the Baron de Arendt. If he has left the particular one for twenty-five louis unfilled, we think ourselves bound to discharge, which we will do in such sum of paper money as may purchase that quantity of hard money in Philadelphia, for there being no hard money here there is no fixed exchange. If you will therefore settle the sum with him, we will make the remittance either in money or by answering a bill, or otherwise as shall be most practicable. After a variety of trials to effect the clothing of our troops and procuring of military stores, and failing in them all, a particular institution has been adopted here for those purposes. Into this channel all our means must be turned to enable it to be effectual. Our situation is too well known to suppose we have anything to spare. It is therefore not in our power to enter into the commerce with Prussia proposed by the Baron de Arendt, however desirous we are of opening a communication with that respectable State and willing under every other circumstance to effect it by great sacrifices were sacrifices necessary. Should the subjects of Prussia choose to adventure on private trade with our citizens, every facility and encouragement in our power will be certainly afforded. As the Speaker sets out within three or four days for Philadelphia,

and can so much more fully explain to you by words the steps taken for support of our opposition to the common enemy, I shall decline answering that paragraph of your letter and beg leave to refer you to him.

TO BENJAMIN HARRISON.[1]

RICHMOND, January 29th, 1781.

SIR,—Several matters of public importance resting on the hands of the Executive to be transacted to the northward we beg leave to avail ourselves of your journey thither to get them settled being satisfied they may be much better done on your verbal representations than by anything that may go in writing from us. The trade has been carried on to a very small extent between this State and the Bermuda Islands. This was begun under a resolution of Congress permitting the exportation of a certain quantity of corn from this State to Bermuda. We required the Bermudians to come for it and to bring a bushel of salt in exchange for every two of corn. Our distress for salt increasing we continued the license and in the last summer gave three bushels of corn for one of salt. Some tobacco also was allowed in exchange but few vessels (I think

[1] Benjamin Harrison was about to journey to Congress, at Philadelphia, as a special commissioner for the State of Virginia.

not more than half a dozen) have come on that business. Whether the number may increase or not I cannot say, but I think the trade necessary and could wish its continuance without umbrage to Congress or the French Minister. A trade with vessels reporting themselves as from neutral ports but in truth as we believe from Ireland has also been winked at. This is more exceptional on the part of the States and their allies and less advantageous to us. We have, indeed, received occasional supplies of clothing from them, but we might have bought on nearly as good terms in America, and thereby avoided risking the mischiefs which may attend the permission of Irish importations. Should our Commercial Agent be successful in his endeavors to supply our future public wants, this powerful reason for tolerating the trade will be removed. There will then remain no other inducement to it, but as it will increase the quantity of goods imported into the State, but whether the advantage be great or small we will willingly place this commerce on whatever footing shall be thought requisite for the good of the States and their allies.

The removal of the Convention troops was determined on by the Executive on the invasion of this State which took place in the last fall and was effected as to the British division about 800 in number. The Germans 1400 in number being thought less dangerous were permitted to remain till accommodations could be provided for them in

Maryland. Congress having afterwards directed that they should not be removed and our Assembly that they should, the Executive are placed in a very disagreeable situation, we can order them to the banks of the Potomac, but our authority will not land them on the opposite shore. Besides prohibiting the removal of those remaining here they have required us to furnish half the provisions for those gone to Maryland. I beg leave to refer you to my letters to the Board of War and to Governor Lee on this subject, a copy of which is furnished you from whence you will see the grounds on which I have remonstrated against this latter requisition and on which I should have remonstrated against the former also but that I wish to avail myself of your more forcible representation in person.

A Mr. Patoun of Baltimore sent us some cartridge boxes; they were brought in a vessel of Mr. Braxton's to Annapolis, where the vessel being sold they were left and I have heard of nothing of them since. I must beg the favor of you to get them brought on if possible. Any supply of the same article as also of cartridge paper and flints which the Board of War can send on are essentially wanting.

Peret and Company of France sent us a quantity of stores in a vessel called Le Comité. She was taken on her passage, retaken and carried into Rhode Island, where on condemnation the one half of our part of

her cargo has been decreed to us. I take the liberty of putting into your hands the papers on this subject. Our delegates have been endeavoring to have them brought on hitherto without effect. The salt, indeed, had better be sold there but the arms, clothing and other articles are so much wanting that we should be so much obliged to you to adopt an effectual mode of having them brought hither by hiring a trusty agent to go and bring them in wagons attending them himself, or in any other way you find most practicable and expedient. Congress being considerably indebted to us in the article of powder, I lately wrote to desire from five to ten tons to be sent to this place; it is essentially necessary that we send four tons more to Fort Pitt and that it be there by the 1st day of March. The statement with which you are furnished by our advances of powder to the Continent will inform you how far we have a right to make this call. I must trouble you to procure from them at Baltimore, if possible, and, if not, then at Philadelphia the four tons before mentioned and to send them under a trusty person in wagons to Fort Pitt to be delivered to the order of Colonel Clarke or other person acting under them. The residue or as much of it as can be got should be brought here at Continental expense.

TO THOMAS SIM LEE, GOVERNOR OF MARYLAND.

RICHMOND, Febry. 1st, 1781.

SIR,—I am much obliged by your Excellency's favor of January 5th. Joseph Shoemaker is a citizen of this State and has been an active mischievous traitor. The dangers of escape on the road from Baltimore to this place, and from this place, where since our removal from Williamsburg no public jail has been yet erected, are so great as to induce me to suggest to your Excellency the trial and punishment under your laws, should he have committed any depredation within your State which they would punish capitally; and in this case I will on intimation from your Excellency furnish you with proofs of his citizenship authenticated in any way in which your laws shall require. Should he not be amenable to justice under your laws, or should he be acquitted on trial, I will on information thereof take immediate measures for having him received, and brought hither.

I have been honored with a letter from the Honorable Mr. Jenifer, President of your Senate, and Mr. Bruff, Speaker of the House of Delegates, proposing that we should invite our allies, the French, to take a post within our State convenient for the defence of Chesapeake Bay, and desiring a communication on the subject with your Excellency. The difficulties on this head will certainly not arise with us. Should our allies not have a certainty of

obtaining and keeping a superiority of naval power in the American seas, they will probably think any post on the navigable waters of the Chesapeake liable to loss. As a discussion of this matter with the French Minister required full information to him of the various posts and grounds which they might think fitted for defence as well as for overlooking the Bay, by their conveniency to aid from the country and many other circumstances which might draw the correspondence, if on paper, to a great length, I have thought it best to desire the Honorable Mr. Harrison, Speaker of our House of Delegates, who set out for Philadelphia two days ago, to speak with the French Minister on the subject and to give him every information which may be necessary to determine his opinion.

I had during the last summer taken the liberty of soliciting from him some naval force to be stationed on our bay, and received hopes that it might be done, just when the enemy who are now within this State came into the bay. I am afraid the proof they have exhibited of the practicability of making inroads into our country when conducted with rapidity and aided by wind and waters, will rather discourage our allies from hazarding much in any situation which may be pointed out.

TO BENJAMIN HARRISON.

RICHMOND, Febry. 7th, 1781.

SIR,—The enclosed papers will sufficiently explain themselves to you. They were put into my hands by Colonel Mathews together with a requisition from Congress to furnish 14,492 hard dollars to pay the debts of our prisoners in New York. Were we permitted to send produce, we could do it for less than half of what the hard dollars will cost us, and I think such articles might be selected from the within, especially when that of coal is added (which Colonel Mathews assures me will be done) as would do neither good to the enemy nor injury to us. Coal sells in New York at six guineas the chaldron. Colonel Mathews assures me that the enemy has never experienced the least inconvenience from a want of provisions since he has been in captivity; that, indeed, before the arrival of the Cork fleet they began to be apprehensive, but he thinks they have now near a twelve months provision. Taking this into consideration with the great alleviation of the maintenance of our prisoners which it would bring to us, perhaps you could negotiate a permission to us to send some of these articles to New York and Charleston.

TO COLONEL THEODORIC BLAND.

RICHMOND, Feby. 9th, 1781.

SIR,—I received yesterday your letter enclosing that of Colonel Dubuysson. It gives us great pain that we are not able to do what is desired by that gentleman. I shall not rest this merely on the determination of the Executive not to exchange Governor Hamilton at all while matters on our frontier are situated as at present, a determination founded as well on the possibility of real injury he would be enabled to do as on the apprehensions which the western country entertain of his eager enmity against us and influence with the savages. It is well known that the whole line of officers belonging to Virginia and North Carolina were taken some months before the captivity of Colonel Dubuysson, and stand previously entitled to exchange on the just principle of regular rotation. Exchanges out of turn have already given great disgust, not only to those who have been passed by but to the officers in general who find themselves exposed to the danger of a like insult. I leave to yourself, Sir, to judge what would be the complaints were we to consent to the exchange in question, passing over a whole army whose officers stand first entitled; these complaints would be more distressing as they would be founded in justice, and would admit no possibility of answer. The same reasons are good against parole exchange of such

extent as the one proposed. I hope, therefore, that Colonel Dubuysson will see this matter in its proper light and be satisfied that nothing but a sense of its being clearly against our duty prevents our concurrence in a measure leading so much to his relief and which is stated as eventually interesting to the family of Baron de Kalb, to whom gratitude would induce us to render every service reconcilable to that justice which is due to others.

TO MAJOR-GENERAL NATHANAEL GREENE.

RICHMOND, Feby. 10th, 1781.

SIR,—I now do myself the pleasure of transmitting you information on the several heads of your requisitions. I am sorry that full compliance with them is impracticable. Every moment, however, brings us new proofs that we must be aided by your northern brethren. Perhaps they are aiding us and we may not be informed of it. I think near half the enemy's force are now in Virginia and the States south of that. Is half the burden of opposition to rest on Virginia and North Carolina? I trust you concur with us in crying aloud on this head.

I sincerely rejoice with you on General Morgan's late important success. Besides the real loss sustained by the enemy in the force they were moving against us, it will give us time to prepare for the residue. The prisoners taken on that occasion, I shall certainly take the liberty of handing on north-

wardly through this State, for the reason for doing this I beg leave to refer you to the enclosed.

Dr. Brownson received £75,000, equal to £1000 specie; for the balance he must wait until the Assembly meets. I hope they will determine to make up their quota of men fully. I have the pleasure to inform you that we have reason to expect during the two ensuing months, very full supplies of all necessaries for our army from France, on a contract we had made the last spring. I hope, too, that their escort is such as not only to render their entrance secure but to promise something further.

TO BRIGADIER-GENERAL GEORGE ROGERS CLARK.

IN COUNCIL, Feby. 13th, 1781.

SIR,—Still having at heart the success of the expedition at the head of which you are placed, we have obtained leave from Baron Steuben for Colonel Joseph Gibson to attend you as next in command, and of course to succeed to your offices in event of your death or captivity which however disagreeable in contemplation, yet as being possible it is our duty to provide against. I have further added my most pressing request to Colonel Broadhead that he permit Colonel Gibson's regiment to be added to your force for the expedition, a request which I hope will be successful as coinciding with the spirit of General Washington's recommendations. Colonel Gibson is to go to Baltimore to see the powder con-

veyed to Fort Pitt. The articles which were to be sent from this place to Frederick County were duly forwarded a few days after you left us. I wish you laurels and health, and am with respect, etc.

TO BRIGADIER-GENERAL THOMAS NELSON.

RICHMOND, Feb. 16th, 1781.

SIR,—I am very anxious to prepare for co-operation with our allies and for providing for their support. For the former purpose measures are taking as agreed on this moment in a conference with Baron Steuben, for the latter we suppose Yorktown the most effectual to prepare as an asylum for their vessels. Colonel Senf comes down with instructions to point what may be done there in a short time. The Baron will send Colonel Harrison or some other artillery officer to superintend the execution of what he shall plan; and I must resort to your influence to take such measures as may call in a sufficient number of laborers with their tools to execute the work. Whatever you do for this purpose shall be approved by us. The county alone can probably furnish many hands. Those in the neck I trust will also be forwarded.

TO MAJOR-GENERAL NATHANAEL GREENE.

RICHMOND, Feby. 17th, 1781.

SIR,—In the moment of receiving your letter of the 10th I issued orders to the counties of Washington, Montgomery, Botetourt and Bedford for seven hundred and odd riflemen, and to those of Henry and Pittsylvania for four hundred and odd of their militia. Yet my trust is that neither these nor the adjacent counties have awaited orders, but they have turned out and will have joined you in greater numbers than we have directed. The reinforcement from Chesterfield Court House cannot march these ten days. I shall be glad if you will call on the neighboring County Lieutenants for any succors which you may want, and circumstances forbid to be delayed. A minute communication of events will be very necessary as we wish as far as we are able to increase the opposing force, if that already ordered shall be insufficient. This change of position has thrown us into great doubt where to collect our provisions.

Two days ago I received notice of the arrival of a 64 gun ship, and two frigates of 36 each, part of the French fleet at Rhode Island; having yet had no communication of the views of the commanding officer (Commodore Tilly) I cannot say to what measures this aid will lead. They are equal to the destruction of the British vessels, could they get at

them, but these are drawn up into Elizabeth river into which the 64 cannot enter.

P. S. Since writing the above we are told Lord Cornwallis has advanced to the Roanoke. I am in consequence issuing orders to embody every man between this and that for whom a firelock can be procured and that they march to join you.

TO MAJOR-GENERAL BARON STEUBEN.[1]

RICHMOND, February 19th, 1781.

SIR,—The prisoners in Albemarle were ordered to be removed immediately, giving them time only to pack their baggage, that it might follow them in wagons. Those taken at the Cowpens which were at New London on the 14th inst. were likewise ordered northwardly by the way of Staunton keeping above the Blue Ridge, while the Conventioners pass below it. These orders were issued at the same time with those for embodying the militia and have been notified to Congress and General Washington.

By a letter from Count Rochambeau to General Washington, a copy of which is transmitted me, it appears that some French frigates were out a cruising from Newport.—that two 74s and a frigate were sent out by the British to take them, that a storm came on which drove one of the 74s ashore on Mon-

[1] Copied from a letter belonging to the Sparks Manuscripts of Harvard University.

tuck Point, and obliged the other to put back into Gardners' Bay dismasted, and the frigate also to put back though without injury: and forced the French frigates back to port, which they reached in safety; that this accident had given the French fleet a superiority; whereon the Chevalier de Touche was determined to send a line of battleship, and two frigates to cruise off the Capes of Chesapeake and break off the communication between New York and Charlestown. This letter is dated Jan. 9th. We are, therefore, to suppose the French vessels now here to have come in consequence of the above and to hope they are in no danger.

TO BRIGADIER-GENERAL GEORGE ROGERS CLARK.

RICHMOND, Febry. 19th, 1781.

SIR,—I received your letter on the subject of the backwardness of the militia of Berkely and Frederic to proceed westwardly, and had before received representation from the counties. This circumstance was the more mortifying as we were informed from various quarters that should we persist in the order it would produce an open disobedience. Many circumstances concurred to render it prudent to avoid this. The presence of two armies of the enemy within the State induced us to wish to prevent everything like commotion or opposition to Government in every part of it. As, therefore, the representations were accompanied with hopes held out of raising a

respectable number of volunteers, the Board thought it prudent to accept of that offer. These two counties were relied on for 56 men; on view of this disappointment we obtained an order from Baron Steuben for Colonel John Gibson with his regiment and Heth's company (about 200 regulars) to be added to your command: an addition of more worth of itself perhaps than the militia, more especially if any number of volunteers should go. I hope, too, you will receive greater numbers from Kentucky than we counted on, and aids from the French settlements: we are apt to hope what we much wish, and perhaps this is my case.

The enclosed papers give us real concern as they hold out reason to apprehend great abuses in the western quarter. I transmit them to you to have strict enquiry made (not by yourself for your time is otherwise better engaged) but by such persons of known integrity and character as you shall appoint. We do not know what to do with the bills of which Major Slaughter speaks, indeed I wish such an enquiry could take place, and that the persons you appoint would give their sanction to every bill.

The suggestions against the gentlemen who went to Kaskaskie under promise of availing you of its resources and strength, are of such a nature as to merit attention and delicate enquiry. I am sure you will keep your attention alive as to everything of this kind. and will use decision where decision is found necessary.

TO MAJOR-GENERAL BARON STEUBEN.

RICHMOND, Febry. 20th, 1781.

SIR,—I enclose you a report from Mr. Ross of the clothing provided and his prospect of further provision. The procuring hats or leathern caps still appears desperate, so that unless some substitute can be thought of, I know not what will be done. There are no hats I am told among the clothing come from the north. I wrote you that after having called certain numbers from Washington, Montgomery, Botetourt, Henry and Pittsylvania, I had called out all the militia who could be armed of Cumberland, Powhatan, Chesterfield, Dinwiddie, Amelia, Lunenburg and Brunswick to oppose Lord Cornwallis. Prince Edward was not called on because we knew them to have actually marched. Mecklenburg, Charlotte and Halifax were so near the enemy that we knew they must be in the field before any orders could reach them. So far the draught had been no more disturbed than it had been before by Arnold's invasion except as to the five counties of Washington, etc., first named—it is not in our power to anticipate the time of draughting in the other counties as you propose. The law gives certain times for raising men voluntarily till the expiration of which no draught can take place; for this reason we have wished to avoid as much as possible calling on the counties north of James River, where the draught is as yet undisturbed, until we shall hear

that Lord Cornwallis has actually crossed the Dan; because that act will decide that he means to penetrate this country: nevertheless if you think it advisable we will order militia to a certain extent to be embodied on the north side of James River; and I shall be obliged to you for your opinion on this head.

I find by the enclosed papers which have passed between a Lieutenant Hare calling himself a flag and Captain Turberville that a vessel of the enemy has come under very suspicious circumstances to Sandy Point. What was her errand, to whom addressed, or whether she had passports from any of the commanding officers at the posts in the neighborhood of the enemy, are circumstances on which these papers can give me no information; yet they appear material in fixing the character of the vessel. It seems improper that under the pretence of being flags their vessels should be allowed to penetrate our rivers to their sources. This matter being within your line, and depending on usages with which you are better acquainted than we are, I wish to remit it altogether to yourself to have done what is right. A communication of what you determine will oblige me, as I am to write to General Nelson on the subject. I also transmit you an extract of the General's on the subject of the French ships here. I should think with him their cruising off the capes attended with safety to them, and great service to the American cause by intercepting the communication be-

tween New York and Charlestown. But whether at this crisis till Lord Cornwallis's movements are decided the one way or the other, it be not of very great moment to retain Arnold in his present quarters by the presence of a force sufficient to destroy his navy if he withdraws from it, I would submit to your better judgment.—On this, too, I will ask your opinion as General Nelson expects my answer.

TO BRIGADIER-GENERAL THOMAS NELSON.

RICHMOND, Febry. 21st, 1781.

DEAR GENERAL,—I received your letter of the 18th the night before last, and deferred answering it until I could confer with Baron Steuben, which I had the opportunity of doing yesterday evening. He showed me a letter from Monsieur Tilly from which, and the information of his aid who went down, we suppose the French squadron sailed on a cruise yesterday morning. They will, however, be within our call, and, therefore, we think it proper to go on with the preparations for enabling us to make an attempt on the enemy, and for affording an asylum to any of the ships of our ally which may at any time come to us. I put into his hands the papers relative to Mr. Hare and he will give orders on the subject; he seems to consider him as no flag, but a prisoner. As to Mr. Hare's calumnies on individuals of this State among whom I am one; I consider them as honorable testimonials; it is their known practice to bribe whom

they can, and whom they cannot to calumniate. They have found scoundrels in America, and either judging from that or their own principles they would pretend to believe all are so. If pride of character be of worth at any time, it is when it disarms the efforts of malice. What a miserable refuge is individual slander to so glorious a nation as Great Britain has been.

I spoke to Baron Steuben some time ago for a return of the numbers of militia from each county which have been on duty and how long. As militia duty becomes heavy, it becomes also our duty to divide it equally. I have waited for this to order out relief, which cannot be done on sure grounds without it. You will oblige me by having such a return made from your quarter as soon as possible. I am sincerely sorry to hear of your indisposition. Wishing it speedily removed, I am.

TO COLONEL JAMES INNES.

IN COUNCIL, Febry. 22, 1781.

SIR,—I had written the enclosed before Captain Richeson arrived. I transmit it open through you for your perusal. I am very sorry that the men first called into the field have not been relieved: but has proceeded from the want of such a return as is mentioned in my letter, and for which I applied some time ago to Baron Steuben, who has had hopes of furnishing it. You will readily be sensible that

where any county shall have sent but half the quota called for, they have performed but half their tour, and ought to be called on again: Where any county has furnished their full complement, they have performed their full tour, and it would be unjust to call on them again till we shall have gone through the counties. Militia becoming burdensome it is our duty to divide it as equally as we can. Upon the receipt of such a return a relief shall be ordered: and in the mean time the arrival of the militia mentioned in the enclosed may enable you to permit those who have been longer on duty to return home.

On the present invasion the favor was asked of Baron Steuben to arrange the commands on principles laid down by the Executive, being the same determined on Leslie's invasion. We have awaited the receipt of his arrangement to issue commissions; this alone is the reason why not a single commission has issued during the invasion. I will take care to remind the Baron of the want of his report and in the meantime should any gentleman have the misfortune to be captured not a moment shall be lost in sending him a commission. The affair of Westover has been communicated to me so imperfectly that I am still ignorant of it. I know that a flag is detained at Sandy Point, and have heard of letters between the conductor and a person in his connection up the river: But their import I have never heard. I understand that I am particularly indebted to Mr. Hare for his eulogiums. Indeed, I think them the best

certificate of my whigism did my country want such certificate at this day.

TO MAJOR-GENERAL BARON STEUBEN.

In Council, Febry. 24th, 1781.

Sir,—I have received repeated information that the nakedness of the militia on service near Williamsburg and want of shoes is such as to have produced murmurings almost amounting to mutinies and that there is no hope of being able longer to keep them in service. The precedent of an actual mutiny would be so mischievous as to induce us to believe an accommodation to their present temper most prudent and, therefore, send to Colonel Innes a letter of which the enclosed is a copy, in the meantime it is out of my power to order reliefs on any fixed rule without such return as mentioned in the letter. As soon as I shall receive such a return new calls shall be made to replace the numbers you wished to have on the north side of James River independently of those from the northern counties who were meant to be free for other service. I must, therefore, trouble you to exercise your authority in such manner as to produce me returns of the desired kind. This is the more necessary to be done speedily lest the same should begin to show itself in General Muhlenberg's camp. You will judge from the temper of these militia how little prospect there is of your availing yourself of their aid on the south side of the river

should you require it. I enclose you a copy of a letter from Colonel Bannister, County Lieutenant of Dinwiddie. I have taken the liberty of referring him to you as to the arms, and the bearer who carries my letter, will also carry any orders you please to give as to them. The size of his detachment it seems will depend on the arms he can procure.

TO BRIGADIER-GENERAL ROBERT LAWSON.

RICHMOND, Febry. 25, 1781.

SIR,—I yesterday received word from Colonel Bannister that there were 400 stand of good Continental arms at Petersburg of which he desired 150. I wrote to Baron Steuben on that, and shall immediately write to him again to let him know your want, and I have no doubt but he will order on the balance for your militia: besides these, 600 stand passed by this place three days ago for General Greene's camp. I never heard a tittle of the movements of either army in the south since a letter from General Greene of the 15th. Before that I on the information which your express brought me ordered out all the militia of Cumberland, Powhatan, Chesterfield, Dinwiddie, Amelia, Lunenburg and Mecklenburg who could be armed, and a fourth part of Washington, Montgomery, Botetourt, Henry and Pittsylvania. I sent no order to Prince Edward because I had your information that the business was already done: to Bedford we dispatched Colonel Lynch who happened to be

here to carry all who could be armed. Halifax and Charlotte were known to be so immediately under the approach of the enemy as that they must be out under the general directions of the invasion law before orders could get to them. We determined not to embody on the north side of the James River till we should learn that Lord Cornwallis had crossed the Dan, because we still wished to interrupt as little as possible the execution of the law for raising regulars. That our intelligence might be perfect we got the favor of Major McGill to go to Greene's camp and apprise us of every interesting movement through the line of stationed expresses. He has been gone a week and we have not yet heard from him, which makes me apprehend some foul play on the road. I am the more led to this fear by a letter from General Greene to Baron Steuben having been opened in the same course of conveyance and the state of Greene's force withdrawn from it.

General Muhlenberg has drawn close down on the enemy's lines at Portsmouth—the French 64 gun ship lies in Lynhaven bay and the two frigates are on the cruise. We are strengthening in that quarter.

TO MRS. WILLIAM BYRD.[1]

IN COUNCIL, March 1st, 1781.

MADAM,—I am sorry it is not in my power to send you the law you desire, having only one copy of it

[1] Mrs. Byrd's maiden name was Mary Willing.

myself and that bound up in the laws of the Session of October 1776, at which it was passed. The description of the offence which is the subject of the Act, is in these words—'if a man do levy war against 'the Commonwealth within the same, or to be adher- 'ent to the enemies of the Commonwealth within the 'same giving to them aid or comfort in the Common- 'wealth or elsewhere, etc., etc., thereof be legally 'convicted, etc., etc.' The situation in which you were placed by the landing of the enemy at Westover was undoubtedly difficult. Whether you may have been able to steer with precision between the will of those in whose power you were and the laws of your country is a question on which the laws have not made me the judge. The letter which you mention to have written while the enemy's fleet lay at Westover, being thought to contain the acknowledgment of an offence against the Commonwealth was put into the hands of the Executive officially and by them remitted to the Attorney General with instructions to proceed as the laws require. I believe it is his idea that these proceedings must be as for a misdemeanor. They will probably take place immediately under the directions of a late act which ordains pleadings in certain cases from day to day till final decision and I hope will furnish you with ample occasion of justification. The flag having come under a permission of Baron Steuben given before the determination to discontinue that kind of intercourse we referred the whole of that matter to

him, save only that his promise having been to admit an identical restitution of slaves and the flag instead of that bringing a compensation in merchandize were of opinion and determined that this could not be admitted to be received, as, allowing the same indulgence equally to all, it would immediately become regular commerce. This was the only order or resolution formed by the Executive on any thing relative to this flag or to yourself so far as connected with her. Mr. Hare was thought to have conducted himself with great impropriety, yet a desire to afford no color of precedent for violating the sacred rights of a flag has I believe induced Baron Steuben to remit Mr. Hare and his vessel again to his commander.

Though my office requires that I should be divested of private estimations, yet I must be permitted to assure you that it will give me very real pleasure to know that the issue from this troublesome business is perfectly to your satisfaction.

TO MAJOR-GENERAL MARQUIS DE LAFAYETTE.

RICHMOND, March 2d, 1781.

SIR,—I was two days ago honored with your letter and that of General Washington on the same subject; I immediately transmitted by express the one accompanying it to the commanding officer of the naval force of his Christian Majesty in our bay and took measures for providing pilots. Baron

Steuben will communicate to you the arrangements he proposes, which I shall have the pleasure of forwarding with every aid in my power. I hope that when you shall arrive at the point of action every thing will be found in readiness. I think the prospect flattering of lopping off this branch of the British force and of relieving the southern operations by pointing all their efforts to one object only. The relief of this State being the most immediate effect of the enterprize it gives me great pleasure that we shall be so far indebted for it to a nobleman who has already so much endeared himself to the citizens of these States by his past exertions and the very effectual aids he has been the means of procuring them. I have the honor to be with sentiments of the most perfect gratitude and respect, Sir, Your etc.

TO COLONEL EDWARD CARRINGTON.

IN COUNCIL, March 3d, 1781.

SIR,—I have received your letter wherein is this paragraph "the sum indeed mentioned in your Excellency's letter is excessive and I am not surprised it should be so, when I find by a state of your affairs sent to General Greene you have magnified the estimate in one article tenfold and perhaps the same circumstance attends the estimation on some of the other articles. I estimated for fifty thousand bushels of grain; in your Excellency's state to General Greene it is called five hundred thousand. I would

be glad the Executive would revise their estimation and perhaps after correcting those errors, etc., etc."

I trust you would have been more choice in your terms had you revised the estimate yourself as recommended to us. I send you a copy of it wherein you will find the quantity of corn or oats expressed in these figures and letters '500,000 bushels' in a former estimate given in some days or perhaps weeks before this. The quantity required was 'for 2326 draft horses and 779 saddle horses till the 1st of August was 282,490 bushels.' I did not, therefore, magnify the article to General Greene and your now speaking of 50,000 bushels as the quantity required shows that I had reason to estimate to the General the necessity of a new calculation on the true number of horses connected with the southern army and the proportion of this, which on view of actual circumstances we ought to furnish. I believe the estimate of 50,000 bushels to be as far wrong as that of 500,000. We shall be governed by neither but will furnish as much as we shall be able. It will probably be short of the middle quantity. Should you have represented this article to General Greene to have been magnified by us, I shall expect from your justice that you will be equally ready to correct as to commit an error and that you will take the trouble to inform him that I had not been so deficient in respect either to him or myself as to magnify things of which I undertook to give him representation. Major Claiborne had the half million of pounds

which we promised of the late emission. When the Treasury is replenished he shall again have due proportion to enable him to procure such part of the estimate as he thinks proper.

TO THOMAS SIM LEE, GOVERNOR OF MARYLAND.

RICHMOND, March 6th, 1781.

SIR,—I had the honor of receiving your Excellency's favor of February 27th and had just before received the resolutions of Congress of February 20th which were the subject of the letter.

I think that we ought not to expect any co-operation in this business from North Carolina and that we should be disappointed were we to expect it. A State in which are several different armies of foes and of friends as destructive from necessity as foes, which has been consumed by their ravages near a twelvemonth is not in a condition to give but to expect assistance. It must be evident that from the presence of our armies in that State she must furnish more than her quota for supplies, because she makes up the failures of all other States; for on the failures of supply the army will not go to take from the State failing, but takes its necessary subsistence from that in which you are. I think then that of the States named in the resolution of Congress the object of the resolution rest truly on Delaware, Maryland, and Virginia and I shall be very happy to concur with them in such equal measures as will effect the inten-

tions of Congress. I do not apprehend it was intended by your Excellency when you proposed to deposit your quota of specifics at Alexandria that the burden of transporting it thence to North Carolina should be left on us solely, because as on the same plan we should be entitled to deliver our quota on our southern boundary which would bring up our share of burden to an equality of yours: were we moreover to transport your quota and that of Delaware across our country it would be so much more than equality. I take the liberty of mentioning this because your Excellency's proposition has been I think misunderstood in this particular. The desire of Congress that we should settle an arrangement for procuring supplies for the southern army in the States most convenient for replacing those supplies from other States and for transporting the whole. All this supposes a joint concern; I should think, therefore, it ought to be executed jointly, or if divided that the division of the whole, that is of the procuring supplies in one place replacing them by others and transporting both should be equal, by which I mean proportioned to our abilities as rated in the Continental scale. This may be done in several different ways: 1st, by dividing among us the line of transportation into such parts as when combined with the quantity to be transported along each part will produce a total duly proportioned between us; 2d, by putting into the hands of a Quartermaster due proportions of money or means of transportation

to be by him employed in carrying on our specifics from their respective States; 3d, for each State to appoint its own agent and to procure the quota of specifics as near as they can to the army replacing their money by sale of such specifics as might be raised within the State by taxation. The first and second modes are liable to this objection that the transportation will cost very considerably more than would purchase the articles in the vicinities of the army. Should these nevertheless or any other mode which can be thought to be more agreeable to your Excellency and the President of Delaware we shall be ready at any time to proceed to settle the arrangement, or as the settlement of it by way of letter might draw it to a great length, I would propose to refer it to be done by the Delegates from the respective States in Congress. Should the third mode suggested above be preferred as it would be carried into separate execution no reference would be requisite.

TO MAJOR-GENERAL BARON STEUBEN.[1]

RICHMOND, March 7th, 1781.

SIR,—The enclosed came to hand this moment; as I make no doubt it communicates what was mentioned in a letter from the Marquis to me received at the same time, I shall not trouble you with it. Scows which the Marquis desires for the transportation of

[1] Copied from a letter belonging to the Sparks Manuscripts of Harvard University.

cannon, cannot venture into the wide waters over which they will have to be transported, as I apprehend. Flats (which abound in York River) are the best vessels for this purpose as I am informed. You may have the best information on this head at York, and I must trouble you to order flats, or, whatever other vessels will best answer to be procured. The Marquis is very anxious to have the works at York put into proper order. I hope General Nelson's influence may have enabled him to procure hands for this business. The four battery pieces with their carriages, and one mortar with its bed, are got on board to-day. The other mortar, without a bed, will be on board this evening, with 6000 pounds of powder, and they will fall down to Hood's, where the armed vessels were directed to, there to await your orders. We found that there were iron beds at Cumberland for the mortars; these I ordered down with the shells which were to go thence.—1000 pounds of powder set out for York this morning: by a letter from General Weedon. I find the numbers he will actually bring will be but about 700. Captain Smith gave me hopes that he could raise 30 horsemen, but did not seem positive; I have not heard from him lately.

TO MAJOR-GENERAL MARQUIS DE LAFAYETTE.

RICHMOND, March 8th, 1781.

SIR,—I had the pleasure of receiving last night your letter of the 3d instant and of learning of your

arrival at the Head of Elk three days sooner than General Washington had given us reason to expect. In the meantime I hope you will have received my answer to your first letter which I forwarded by express to the Head of Elk, and, which is of greater importance, a letter from Baron Steuben who commands in this State, explaining to you what he proposed.

The number of militia desired by the Baron will be provided, though not quite so early as had been proposed, so that your delays at the Head of Elk will not produce any inconvenience. Arnold's retreat is at this time cut off by land. Provisions and arms for the troops are in readiness and the Quartermasters are exerting themselves to get horses. Their exertions are slow and doubtful. Oxen I apprehend must be used in some measure for the artillery. We have no heavy field artillery mounted. Four battering cannon (French 18 pounders) with two 12 inch mortars fall down from this place this evening. Scows I am afraid cannot be used for the transportation of your cannon on the wide waters where your operations will be carried on. We shall endeavor to procure other vessels the best we can. The total destruction of our trade by the enemy has put it out of our power to make any great collection of boats. Some armed vessels of public and some of private property are held in readiness to coöperate, but as they are in James River they cannot venture down till the command of the water is taken from the enemy. Baron

Steuben is provided with the most accurate drawings we have of the vicinities of Portsmouth: they are from actual survey of the land, and as to information of the navigation the most authentic will be obtained from the pilots in that neighborhood, ten of the best of which are provided. I shall continue to exert my best endeavors to have in readiness what yet remains to be done, and shall with great pleasure meet your desires on this important business, and see that they be complied with as far as our condition will render practicable. On this and every other occasion I will take the liberty of begging the freest communications with you.

TO MAJOR-GENERAL BARON STEUBEN.

IN COUNCIL, March 10th, 1781.

SIR,—I received your favor of the 8th instant and am sorry to find that this distressing flag is not yet off our hands. I sincerely wish that the perplexities she has introduced, she may not be more effectually working for our enemies than if she had pursued their original purpose. This can only be avoided by candid explanation and dispassionate judgment. The line of conduct which the Executive meant to pursue as to this flag cannot be more pointedly declared than in the letter of the [1]— February which I had the honor of writing to you, a copy of which I take the liberty of enclosing. They considered her from

[1] Date missing.

the beginning within the military line: they never proposed to make, or ever did make a single order on the subject or come to a resolution except that which is declared in my letter of February[1] — a copy of which is also enclosed, whereby they laid down a general rule that compensations for plunder shall not be received from the enemy.

In the conversation which I had with Captain Walker wherein he mentioned your sentiments and purposes as to the person of Mr. Hare and his vessel, I declared to him my sense of the extreme impropriety of Mr. Hare's conduct: that had I been the officer to whom he had come, I would have refused to do business with him and have sent him back, his purpose uneffected, but that I would not for such a cause have brought the sacred rights of the flag into question, and that I concurred with you in opinion that they should be dismissed.

The officers immediately connected with her did make some reports to the Executive, but they were in every instance and immediately transmitted and transferred to you for orders, one instance only excepted, which was the following. Some few days ago, I received a letter from Colonel Innes desiring my opinion as to what should be done with Mr. Hare and the vessel. This conveyed to me the first notice that your order had not been obeyed and that the vessel was drawn into a court of justice. I wrote in answer to Colonel Innes, as well as I can recollect for

[1] Date missing.

I write this from memory, that whatever powers the Executive might have possessed over these subjects, they had delegated them to you, that I doubted whether the delegation had added anything to your powers as I conceived them before competent to the subject, that as to Mr. Hare particularly, whether considered as a conductor of a flag, a prisoner of war or a spy, he was subject to your order. That, indeed, as to the vessel, since she was drawn into the possession of a court, being much unacquainted with the subject I would take the Attorney General's opinion on it and transmit it to him. I did so. I did not send the papers to you because I knew or believed you to be on the road to Williamsburg, where I took for granted the whole matter would be laid before you.

As to Mr. Hare's person the Executive can with truth disclaim having ever given an order on that subject, and if you had supposed, as we are afraid from your letter you do, that any thing has been done in consequence of an order, advice or recommendation from us, we affirm that it was not: As little as the detention of the vessel proceeded from the Executive. She is, indeed, in the hands of the State, but it is of the Judiciary part of Government, which is as independent of them as is the Supreme Court of any other country.

We are sorry the officers who transacted business with Mr. Hare should have failed in obedience to your orders, and would do any thing in our power to support and manifest your authority were any

thing wanting, but nothing can be added to the provision which the military institutions have made to enforce obedience, and it would be presumption in us to say what is that provision to you. These put into your own hands the satisfaction which you desire Government to procure you. Even your letter to Mr. Hare, which we must suppose Major Turberville to have so improperly retained, it is most in our power to require authoritatively: to such an order no obedience would be exacted by the laws, nevertheless he shall be written to on the subject as we cannot conceive but that, sensible of the impropriety of such a detention, he will not need compulsion to return it. I must again express my uneasiness at the unfortunate consequences which may flow from the conduct of the gentlemen who have managed this business; however zealous may have been their intention, I fear I foresee evils more lasting and weighty than the good which may result from them.

I trust I shall not fail of having your concurrence in endeavoring to avoid them as far as shall depend on us.

TO MAJOR-GENERAL BARON STEUBEN.

IN COUNCIL, March 10th, 1781.

SIR,—Since writing my letter of this day's date, yours of yesterday has come to hand. The orders to the counties which were to reinforce General Muhlenberg, were that their detachments should be with

him on the 5th or at furthest the 6th. On receipt of the letter of the 8th informing us of the almost total deficiency of New Kent, we ordered 164 men from Chesterfield and 187 from Dinwiddie to be immediately assembled and marched to General Muhlenberg's headquarters. We can only be answerable for the orders we give and not for the execution. If they are disobeyed from obstinacy of spirit or want of coercion in the laws it is not our fault; we have done what alone remained for us to do in such case, we have ordered other militia from other counties.

The Quartermaster applied to us on the subject of the horses required. He was furnished with impressing powers. He again applied for militia to aid him in the execution of the powers. We did not think proper to resign ourselves and our country implicitly to the demands of a Quartermaster, but thought we had some right of judgment left to us. We knew that an armed force to impress horses was as unnecessary as it was new. The fact has been that our citizens have been so far from requiring an armed force for this purpose that they have parted with their horses too easily, delivering them to every man who said he was riding on public business and assumed a right of impressing. When, therefore, the militia have on their hands a sufficiency of real calls to duty, we did not think it proper to harass them in cases where we had reason to suspect they were not wished by the Quartermaster as militia, but

as servants. It was mentioned to the Quartermaster that in our opinion he could and should do but little in this neighborhood and that of Petersburg which had been drained by constant impresses: Nevertheless we furnished him with the blank powers to be exercised where he pleased. I have laid your letter before the Assembly according to your desire.

TO MAJOR-GENERAL MARQUIS DE LAFAYETTE.

RICHMOND, March 10th, 1781.

SIR,—Intending that this shall await your arrival in this State I with great joy welcome you on that event. I am induced to from the very great esteem your personal character and the hopes I entertain of your relieving us from our enemy within this State. Could any circumstances have rendered your presence more desirable or more necessary it is the unfortunate one which obliges me to enclose you the enclosed papers.

I trust that your future acquaintance with the Executive of the State will evince to you that among their faults is not to be counted a want of disposition to second the views of the Commander against our common enemy. We are too much interested in the present scene and have too much at stake to leave a doubt on that head. Mild laws, a people not used to prompt obedience, a want of provisions of war and means of procuring them render our orders often

ineffectual, oblige us to temporise and when we cannot accomplish an object in one way to attempt it in another. Your knowledge of these circumstances with a temper to accommodate them ensure me your coöperation in the best way we can, when we shall be able to pursue the way we would wish.

I still hope you will find our preparations not far short of the information I took the liberty of giving you in my letter of the 8th instant. I shall be very happy to receive your first applications for whatever may be necessary for the public service and to convince you of our disposition to promote it as far as the abilities of the State and powers of the Executive will enable us.

TO MAJOR-GENERAL MARQUIS DE LAFAYETTE.

RICHMOND, March 12th, 1781.

SIR,—The enclosed is the copy of a letter which was intended to have awaited you in Virginia. But as there seems to be a probability that you will be detained at the Head of Elk longer than could have expected I have thought it best to send a copy there also.

An idea having unfortunately got abroad that the militia now called on are intended to storm the enemy's works at Portsmouth the numbers which actually march from the several counties are so far short of what we ordered as never happened before and as to have baffled our calculations on probable

deficiencies. As these have become further known and expected we have ordered in additional numbers. From this cause I am informed the blockade of Arnold on the Norfolk side has not taken place as I had reason to believe when I wrote to you on another occasion.

By the last accounts I can get the enemy have three vessels of force in the Bay in addition to those Arnold had before. What few armed vessels we could get are in James River and cannot be got out nor, could we get them out, are they of force sufficient to venture up the Bay. Should a French naval force superior to that of the enemy arrive in the Bay, I make no doubt you will still think it necessary to be assured that there are not in the upper part of the Bay vessels of the enemy sufficient to do you injury. I fear the number of boats requisite for landing your men and cannon will be very defective. Baron Steuben thinks 20 necessary but there cannot be half that number procured. The boats built for use in the upper part of James River cannot navigate the lower parts nor can any be brought round from the other rivers, perhaps it will be in your power to bring a number of boats with you. We have every instrument in motion which can avail us on this most interesting occasion, but the want of means circumscribes our exertions. I think it proper, therefore, to reduce your expectations from what should be ready to what probably will be ready, and even calculating on probabilities I find it necessary to reduce my own

expectations at times. I know that you will be satisfied to make the most of an unprepared people, who have the war now for the first time seriously fixed in their country and have, therefore, all those habits to acquire which their northern brethren had in the year 1776, and which they have purchased at so great an expense.

TO MAJOR-GENERAL MARQUIS DE LAFAYETTE.

March 12th, 1781.

SIR,—Since writing the preceding I have been honored with your letter of the 6th. The first notification of this enterprise came to me in the night of the last day of February. We were informed there were few or no armed vessels in the three northern rivers and supposed if there were any they could not be impressed manned and brought into place by the time at which it was then thought they would be wanting. We confined ourselves therefore to James River. It is certainly too late to attempt the other rivers. We had but one galley in order. She went down the river some time ago and having never been heard of since we fear some accident has happened to her. We had before sent down 6000 pounds of cannon powder and now order 4000 pounds more which goes very deep into our present stock. Ten pilots are provided. I will lodge some maps for you so as that they shall be delivered to you on your arrival. I now give orders for look-out boats to be ready in Rap-

pahannock, Piankatank and York rivers. I cannot say what may be expected from them. The articles wanted in the Quartermaster's and Engineer's departments as stated in their invoice, will most of them be got, as the orders for them go out to-day, only they will, of course, be rather late. I send off to the neighborhood of the intended operations to procure the plank. I expect it will not be very easily or speedily provided. As to the artificers required I can give you but little hope. They are exceedingly scarce in this country. Endeavors shall not be wanting, but still they must not be counted on. Provisions will be in readiness. This is a summary of what is done, may be done, is doubtful or desperate on the several articles enumerated in your letter. I pray you to make no difficulties in communicating freely what may be wanted for the service, being desirous of contributing every thing which our State can do or produce for the successful prosecution of the enterprise and confiding that you will put the most candid constructions when we fail, as you will too soon find a full compliance beyond the reach of our abilities.

TO MAJOR-GENERAL MARQUIS DE LAFAYETTE.

IN COUNCIL, March 14th, 1781.

SIR,—We just received the pleasing information of your safe arrival at York yesterday. My letters of the 12th which were sent to the Head of Elk (duplicates of which accompany this) will inform you

that we were endeavoring to accomplish your several requisitions. I now enclose you a list of articles actually procured which will go from this place this evening, most of them in wagons to General Muhlenberg's headquarters. Some heavy articles, particularly about 1500 gallons of rum, some flour and 20 seasoned oak planks, go in a vessel down the river. Four smiths go with the wagons. The articles not stated in the enclosed paper will I am in hopes be procured by an agent I have sent to the neighborhood of Suffolk who will engage what artificers can be found. I am informed that there will be ready at the public ship yard on Chickahominy on Friday next 4 boats well fitted for your purpose. Others are collecting in the rivers to rendezvous at Hood's. The galley I mentioned in my letter of the 12th is at the same ship yard and another is got ready. They are very light and want men as do two armed vessels belonging to the State at the same place. I have desired Captain Maxwell (at present I believe at York) who in consequence of former orders has I expect provided men to come to the ship yard and see these vessels put into motion. I have the pleasure to enclose you herewith a small map of the vicinities of Williamsburg, York, Hampton and Portsmouth done on a scale of 5 miles to the inch which may serve for pocket purposes and a larger one of the vicinities of Portsmouth on a scale of a mile to the inch which may be resorted to where greater accuracy is requisite. They are both from actual sur-

veys and are the best in our power to provide for you. The larger one is a copy of original draughts, the smaller is very carefully reduced from them. Provisions cannot fail if the Commissaries look forward. I must beg the favor of you to give strict orders to the issuing Commissary to give me very timely notice when any thing like want shall be approaching, because time is requisite in this State to comply with any call. The State Purchasing Commissary was ordered by me besides the bread and animal food to lay in at General Muhlenberg's camp or at a proper place in its neighborhood a hundred thousand rations.

TO THE VIRGINIA DELEGATES IN CONGRESS.

IN COUNCIL, March 15th, 1781.

GENTLEMEN,—A difference of opinion having taken place between the Executive of this State and Mr. Simon Nathan at the rate at which certain bills of exchange should be discharged in paper money we have agreed with him to refer it to such gentlemen of knowledge in the laws of established character and of any other State as yourselves shall mutually agree on with him. Their award shall be performed by the State, which means to stand in the place as well of the drawer as drawee. Mr. Wilson and Mr. Sergeant had been consulted by Mr. Nathan. I enclose to you Mr. Pendleton and Wythe's opinion. You will be pleased to observe that the state of the

case requires from Mr. Nathan actual proof that he took up the bills at par. Mr. Nathan having agreed with us to all the facts as stated I am to suppose nothing contrary to them will be received; as his signature here was omitted perhaps it would be best for you to require it before submission. It is not our desire to pay off those bills according to the present depreciation, but according to their actual value in hard money at the time they were drawn, with interest. The State having received value, so far as it is just it should be substantially paid. All beyond this would be plunder made by some person or other. The Executive in the most candid manner departed from the advantage which their tender law gave them in the beginning. It seems very hard to make this means of obtaining an unjust gain from the State.

TO MAJOR-GENERAL MARQUIS DE LAFAYETTE.

RICHMOND, March 19th, 1781.

SIR,—Your letters of the 16th and 17th inst. came to hand at noon of this day. I beg leave to inform you that for the purpose of speedy communications between the Executive and the commanding officers expresses are established from this place through Williamsburg to Hampton every fifteen miles distance and that a Quartermaster is employed in establishing a similar line from hence to the army before Portsmouth, crossing James River at Hood's. These expresses are ordered to ride day and night. You

will be pleased to set the line in motion whenever you think proper. Besides the exertions of the Continental Quartermaster to procure horses we instructed the State Quartermaster to send out agents on the same business in order to insure the number required by Colonel Pickering, which was 50 saddle horses and 150 draught horses. What his agents could procure we ordered to be at General Muhlenberg's headquarters by the 20th. I shall order him to continue his efforts in aid of the Continental Quartermaster ten days longer.—In a country whose means of payment are neither prompt nor of the most desirable kind, impressing property for the public use has been found indispensable. We have no fears of complaint under your exercise of those powers and have only to ask the favor of you to instruct those employed in impressing to furnish the party whose property is taken with a proper certificate of the article and value and that they make regular returns to Government of the certificates they have given stating in such return the date of the certificate, owner's name, article taken, and price. This has been required, of course, from all impressing officers as a check on counterfeited certificates.

The conduct of Captain Turberville has come tc the knowledge of the Executive in detached parts only. His permitting Lieutenant Hare to pass his post to Westover was deemed by us improper. We understood also he did not obey a positive order from Major-General Baron Steuben for discharging

Mr. Hare and the flag; and the Baron complains to us that an open letter of his to Mr. Hare was detained by Captain Turberville. We could do no less than observe to the Baron that the military institutions had put in his hands the powers of vindicating the military authority. An enquiry or trial before a military court is certainly proper: but Captain Turberville cannot and I dare say will not expect or desire it but when full evidence can be obtained. If it be necessary that it should await the papers which were transmitted me, they are now in the hands of the Attorney General to support a civil prosecution, and cannot probably be for many days withdrawn. Captain Turberville is an essential witness in the prosecution which is to be heard on the 23d inst. and will then have the means of knowing when the papers can be spared.

As a complete collection of our military and other laws is very difficult to be procured and would be troublesome for you to consult, I have ordered the militia laws to be copied together and will transmit them to you in a few days.

Captain Turberville's connection with Mr. Hare's flag gives me occasion to mention that matter to you. On my hearing (several days after it happened) that such an officer and vessel had come up James River, I took the liberty of mentioning it in a letter to Major-General Baron Steuben, of asking the favor of his attention to it, and informing that it was more immediately within the military line, was under

rules and usages with which he was much better acquainted than we were, we wished to leave it to him altogether to have done whatever was right. It was his opinion and it was and is ours that notwithstanding the indecencies and irregularities of Mr. Hare's conduct he and his vessel should have been discharged. He accordingly ordered it, but his order was not obeyed as to Mr. Hare's person till so much time had elapsed as to render the discharge dangerous: it was, therefore, countermanded. As to the vessel, an idea arose I know not on what grounds that she was drawn into litigation before a court of justice. This I am now informed is not the case. As we have never meddled with her we wish not to do it, but to leave with yourself to discharge both officer and flag whenever you shall think it proper to do so. In the meantime I doubt not you will think proper attention should be paid to the safe custody of the vessel, the persons and property belonging to her, and that she be kept under the military power and clear of the civil.

I send you subjoined a state of the militia called to the south side of James River. [1] If I understood

[1] The following summary is attached:

Loudoun	436	Southampton	219	
Fauquier	269	Isle of Wight	150	
Prince William	185	Nansemond	161	2190 Originally called for
Fairfax	200	Chesterfield	164	
New Kent	104	Dinwiddie	187	
Charles City	71	Hanover	245	
Prince George	125	Caroline	260	

Baron Steuben's plan he wished to have 800 Virginia militia to operate on the Norfolk side with the Carolinians and 2260 on the Portsmouth side to operate with the regulars, making in the whole 3060 militia. In our first call expecting deficiencies we much exceeded these numbers, taking into account the militia then in the field under General Muhlenberg, but finding these deficiencies greater than could have been expected we afterwards considerably augmented our calls. I also state the armed vessels now at Hood's under the direction of Captains Mitchell and Lewis, subject to your order. They are private property. Those of the public in Chickahominy want men, to supply which orders have been sent to Captain Maxwell.

TO BRIGADIER-GENERAL GEORGE WEEDON.

RICHMOND, March 21st, 1781.

SIR,—As I am certainly informed by Commodore Barron that the fleet arrived is British, I become anxious lest the expected French fleet not knowing of

Surry	95	Spottsylvania...	120		
Sussex	175	King William ...	55	1031	Supplementary
				3221	

Ship Renown	16..4 & 6 lbs		Ship Tempest–16 Guns	Chickahominy
Brig Wilkes.....	12..4.....lbs		Brig Jefferson 14-4 lbs	
Brig Mars	8..4....lbs	Hoods	Lewis, Safeguard	Small gallies
Brig Willing Lass	.10..4....lbs			

this incident may come into the Bay. Should the Marquis Fayette be returned to the north side of the river, I make no doubt that he will have taken what cautionary measures are in his power and necessary. Should he not be returned I must beg the favor of you immediately to send off a vessel from York to the eastern shore (which is supposed to be practicable) with the enclosed letter to Colonel Avery, the purport of which is to send out two good lookout boats from the sea side of that shore to apprize the French commander, should he be approaching, of the situation of things here. You will, of course, caution the master of the vessel to destroy the letters confided to him in case of inevitable capture.

TO MAJOR-GENERAL MARQUIS DE LAFAYETTE.

IN COUNCIL, March 24th, 1781.

SIR,—I am honored by your letter of the 20th inst. and am sorry that a want of ammunition should have abridged your intentions at Portsmouth. I have made enquiry what have been the issues of ammunition from the State stores and am informed by returns that there has issued (naming principal articles only)

To Thomas Smith acting for Major Pryor 1000 pounds cannon powder for York.

To Captain Bohannon 6000 pounds cannon powder.

To Major Pryor for General Muhlenberg's camp 400 pounds musket powder 2100 pounds lead.

To Captain Irish for the Continental Laboratory 3500 pounds musket powder and 3900 pounds lead.—
Amounting to 10,900 pounds powder and 6000 pounds lead.

These things being put into the hands of Continental officers, whether made up, forwarded, or not are circumstances not afterwards coming to my knowledge. I asked the favor of Captain Irish to inform me of his issues from the Continental Laboratory to which we sent 19 hands to aid him in preparing the ammunition. He made the enclosed return. I apprehend a considerable part of what he has issued is still on the road. He has 18,000 cartridges on hand and makes 3000 a day. I am very sorry to inform you our stock of lead will not employ him much longer even at this slow rate.

The vein of the mine on which we have hitherto depended failed some weeks ago; of this I immediately apprized Congress. Unless some speedy supplies are sent on, the southern army as well as ours will immediately fail. I have lately again written to Congress on this subject and by Captain Rutlege ventured to send a particular state of the southern army in this point as reported to me by Captain Singleton; the addition of your application would doubtless have great weight. It has not been generally expected that individual States should provide more ammunition on their own accounts than to repel occasional attacks or to oppose a permanent

enemy until supplies and support could be forwarded from the Continental stock. Our State stores, however, have been constantly applying to the use of the southern army from the taking of Charleston to this time and our own army from the first of October last. I mention these things not with an idea of withholding as long as we have a grain, but to enable to show that aids of military stores from the Continental stock are as reasonable as they are necessary. As to provisions I have been incessant with the Commissary to see that the quantity before ordered be in readiness. He has constantly assured me that he has much more than has been required. Were the articles such as are lodged in store-houses I would send an officer to examine his stores actually, but they consist mostly of stalled beeves divided among the counties which it would be improper to bring together till wanted. He has a vessel under the care of the armed vessels in this river loaded with flour, which he says contains half the quantity required and the whole may be water borne the moment it is wanted. He has no hard bread, but he is instructed to provide it. I shall not cease to recall his attention to it.

I am anxious to hear from you since the appearance of this British fleet. It is said by a Captain Reeves who came out of Portsmouth since their arrival that there was a partial engagement between that and the French fleet off our Capes in which neither party sustained the loss of any vessel or other

considerable damage. Immediately on learning their arrival I communicated by the stationed expresses to Governor Lee, the President of Congress and General Washington. I suppose this will put an end to the design of Portsmouth, or place it at a distance; in either case the militia who have had a tour of duty so unusually long are entitled to be discharged by a special promise so soon as those newly called on shall rendezvous in sufficient numbers to replace them. Great cautions are requisite on the discharge of militia to prevent their carrying away their arms and ammunition. Another reason induces me to wish an information of your present views, which is that if there be a probability that the private armed vessels we have impressed may not be wanting, I should be glad to discharge them as they are heavy daily expense and risk.

I do myself the pleasure of transmitting to you the militia laws according to your desire.

I will beg the favor to send the enclosed letter to the British commanding officer at Portsmouth by flag whenever you shall think proper. Indeed, I wish it might suffice to deliver it to the naval commander as nothing can be so disagreeable to me as to be compelled to a correspondence with the other.[1]

On the resignation of Colonel Muter as Commissioner of the War Office we have appointed Colonel Davies to succeed him. The due execution of the duties of this office are of extreme importance to the

[1] Benedict Arnold.

State and, indeed, to the Continent, while an army continues either here or in the south. Some difficulties on the subject of rank and other emoluments prevent his absolute acceptance. He has, however, accepted conditionally and we are applying to Congress to settle the points on which he hesitates. In the meantime as the duties of the office do not admit a day's intermission in the present situation of things, give me leave to solicit his excuse for quitting the charge at Chesterfield Courthouse without awaiting a regular license and your permission to him to continue here till we receive the determination of Congress.

TO MAJOR-GENERAL BENEDICT ARNOLD, THE COMMANDING OFFICER OF THE BRITISH FORCE AT PORTSMOUTH.

IN COUNCIL, March 24th, 1781.

SIR,—Some of the citizens of this State taken prisoners when not in arms and enlarged on parole have reported the commanding officer as affirming to them that they should be punished with death if found in arms. This has given occasion to the enclosed resolution of the General Assembly of this State. It suffices to observe at present that by the law of nations, a breach of parole (even where the validity of parole is not questioned) can only be punished by strict confinement.

No usage has permitted the putting to death a

prisoner for this cause. I would willingly suppose that no British officer had ever expressed a contrary purpose. It has, however, become my duty to declare that should such a threat be carried into execution, it will be deemed as putting prisoners to death in cold blood, and shall be followed by the execution of so many British prisoners in our possession. I trust, however, that this horrid necessity will not be introduced by you and that you will on the contrary concur with us in endeavoring as far as possible to alleviate the inevitable miseries of war by treating captives as humanity and natural honor requires. The event of this contest will hardly be affected by the fate of a few miserable captives in war.

TO THE REV. JAMES MADISON AND ROBERT ANDREWS.

RICHMOND, March 31st, 1781.

SIRS,—The principle on which the boundary between Pennsylvania and this State is to be run having been fixed it is now proposed by President Reid that Commissioners proceed to execute the work from the termination of Mason and Dixon's line to the completion of five degrees of longitude and thence on a meridian to the Ohio. We propose that the extent of the five degrees of longitude shall be determined by celestial observation. Of course it will require one set of astronomers to be at Philadelphia and another at Fort Pitt. We ask the favor of yourselves to undertake this business, the one to go

to the one place, the other to the other, meaning to add a coadjutor to each of you. Good instruments can be furnished no doubt at Philadelphia; but for the Pittsburg observations we must solicit the proper instruments from your corporations which we will undertake to return in good order, or if injured to replace them. I, therefore, beg the favor of you to solicit the loan of those instruments. With respect to yourselves we shall furnish money for your necessary and comfortable expenses; the covered wagon which conveys the instruments will take any luggage necessary for your accommodation. And we will give you moreover 150 pounds of tobacco a day each dischargeable in current money at the rate affixed by the Grand Jury at the General Court next preceding payment. It will be necessary to proceed in this business as soon as the general mode shall have been agreed between the two States. Perhaps a meeting of the Commissioners at Baltimore will be previously requisite to settle particulars. I am to request an immediate answer to this as I delay proposing to President Reid this mode of locating the boundary until I know whether we can get the execution of it undertaken by gentlemen who will do us credit and justice.

TO MAJOR-GENERAL NATHANAEL GREENE.

RICHMOND, April 1st, 1781.

SIR,—I am honored with your favor of the 27th by Mr. Daniel. I informed you by Colonel Morris

of the reinforcement of militia ordered to you; but they will not be in time to supply the place of those now with you if they leave you so early. Certainly the knowledge that a relief is coming in will induce them not to leave you in a state which may soon give us all to do over again. A part of these militia went under the regular orders of Government, and will be deemed deserters if they withdraw without orders. The whole of them I presume went under orders from their County Lieutenants which are as obligatory as those of the Executive: how far particular stipulations may have been made with them I am uninformed. None could be made with those we ordered out. I shall use every exertion in my power to forward on the new levies to you, as I am sensible it is much more practicable to carry on a war with militia within our own country than out of it. I wrote you by Colonel Morris on the subject of beeves. He will give you full information of the issue of our preparations against Arnold.

An enemy 3000 strong, not a regular within our State, nor arms to put into the hands of the militia are circumstances which promise difficulties. Yet I shall think it essential to do everything we can for you to prevent the return of Cornwallis's army.

TO REV. JAMES MADISON.

RICHMOND, April 8th, 1781.

SIR,—I am authorized to inform you that a good horse or two shall be furnished you by the public

for your journey. I think it would be unreasonable for us to expect the Pennsylvania Commissioners to carry a time-piece to Fort Pitt unless we should send one to Philadelphia, which would be preposterous. I should be very unwilling to admit a difference to be begun with them on this subject. I think in my letter to you I undertook to assure you, that if the time-piece of the College should receive such an injury as could be repaired here, it should be repaired at the public expense, and if it could not be repaired, that the instrument should be replaced as soon as peace shall have opened importations to us; but, indeed, if carried in a covered wagon, which shall be provided, well packed, laid on a feather bed, which you may find it necessary to carry for yourself, or otherwise on straw, or perhaps swung, it cannot receive injury. When it is considered that this instrument was given by the public, that the loan of it is now asked for a purpose important to the public interest and in no small degree to geographical science and that it goes insured by the public, I hope the temporary inconveniences which may result by possibility will not deprive the State of the benefit of it.

You mention in your letter a purpose of coming here shortly. Let me take the liberty of entreating you to suffer the private motives which were leading you here to be enforced by the public object and to come immediately, as I wish much to be quite possessed of the mode and circumstances of transacting

this business, before I write to President Reid, which I shall accordingly defer in hopes of seeing you. It will probably shorten the business if I can inform him what we have in idea, what we can contribute, etc. Besides this there is another very interesting subject on which some others as well as myself wish a free conference with you. In hopes of seeing you immediately I shall add nothing more than I am, with very great esteem, etc.

TO MAJOR-GENERAL BARON STEUBEN.

IN COUNCIL, April 10th, 1781.

SIR,—General Scott having obtained permission from the Commandant at Charlestown for the shipping of tobacco from this State to that post for the relief of the Continental troops there of our line, sent me a copy of that permission taken by his Brigade Major. This paper not being sufficiently authentic to protect from capture vessels which should go laden with tobacco, I wrote to Major General Phillips to ask a passport and received his answer, extracts from both of which I now do myself the honor of enclosing to you. By his letter you will perceive he proposes that the regulations under which she goes shall be settled between yourself, himself and the British naval Commander here. General Phillips speaks in his letter of permitting a flag vessel in the singular number. It was not my intention in the application to fix it to a single

vessel. The vessels we have it in our power to employ are so small that one of them laden with tobacco would carry very little relief.

It requires 100 hogsheads of tobacco a month to pay off the Virginia line in Charlestown and they are a twelve month in arrear and the debts that they have contracted are in proportion to those arrears. We had proposed to send from six to nine hundred hogsheads of tobacco. I wish, therefore, that the permission could be regulated rather by the tonnage than number of vessels.

Another circumstance of difficulty is introduced by his letter, which is, that an officer from Portsmouth must go in the vessel; to this we have not the least objection; but that he might expect to return in her, where as we can only procure vessels which would mean to pursue their mercantile objects to some other port for cargoes asking from Charlestown protection of the flag till they should be clear of their coasts. Should the restriction to a vessel, however, be insisted on by the British Commander we should ultimately wish to urge that a pilot boat be permitted to attend her for the purpose of bringing back the officers who necessarily go to attend to the delivery of the tobacco. As we have everything in readiness for sending this relief to our prisoners, and they are in extreme distress, I will beg the favor of as early an attention to the settlement of this matter as your business will permit you to bestow.

TO CHEVALIER DE LA LUZERNE, THE FRENCH MINISTER.

RICHMOND, April 12th, 1781.

SIR,—I have the honor of your Excellency's favor of March 23d and shall with great pleasure communicate to our citizens our prospect of aid from his most Christian Majesty to whom we are already so infinitely indebted. I assure you, Sir, that these prospects are necessary to inspirit them under the present aspect of their affairs. We suppose one half of the enemy's force in the United States to be to the southward. Georgia and South Carolina have been long theirs, and North Carolina, however disposed, convulsed by the ravages of two armies, her citizens are too much engaged in saving their families and property to go in the American army. I believe it may, therefore, with truth be said, that the opposition to the two hostile armies in North Carolina and Virginia falls at present on Virginia only aided with about 500 men from Maryland. While our northern brethren infinitely superior in numbers, in compactness, in strength of situation, in access to foreign supplies, of necessaries, possessed of all the arms and military stores of the continent, opposed by an enemy not superior to ours, have the protection of almost the whole of the Continental army, with the very important addition of the army and fleet of our allies. A powerful enterprise meditated by the northwestern savages has obliged this State to have an army of between two and three

thousand men collected at this time at the Ohio. The Cherokees on our southwestern corner take off the aid of our most valuable counties in that quarter. To support General Greene and prevent the enemy entering our country on the south we are obliged to send the whole of our regulars and continual reliefs of militia, and on our seaboard an enemy three thousand strong is firmly posted, has totally shut up the only door we had to commerce for either private or public purposes, and lays us under the necessity of keeping up two armies of militia to prevent their ravaging the adjacent country. Notwithstanding all this I believe from what I have lately seen that we should be substantially safe were our citizens armed, but we have not as many arms as we have enemies in the State.

Under such circumstances it is not easy to foretell events, and it is natural for our people to ask if they are to have no help from others.

Should any considerable part of the Union be abandoned to the enemy, it must be in their hands very formidable to the future safety of the rest.

The interests of our allies, were an appeal to that motive necessary, would place the southern States in a point of view of some importance, as presenting to them very fair objects of commerce. This consideration, however, was not wanting to draw to us the aid of his most Christian Majesty. The late efforts made for us by his fleet and army demonstrate that his attention is not partial, and the hope held up in your letter of the 23d is a further proof.

The northern States are safe: their independence has been established by the joint efforts of the whole. It is proved as far as testimony can prove anything that our enemies have transferred every expectation from that quarter, and mean nothing further there than a diversion in favor of their southern arms. It would be unfortunate, indeed, should it be again proposed to lose a campaign on New York and to exhaust on that the efforts of the confederacy as those of Spain on Gibraltar, to give up provinces in the south for towns in the north. Should a superiority on the Continental seas be obtained by your fleet, it will save everything from north to south: if the detachments of the British army can once be insulated, they will be whittled down by the militia, by famine, by sickness and desertion to nothing.

If they can be prevented availing themselves of an army flying on the wings of the wind to relieve the laboring part acting in New York this week, in Portsmouth the next, in Charlestown the third, the Continental war would be totally changed, and a single campaign would strip them of the labors and laurels of half a dozen. Could the enemies for instance at Portsmouth be excluded from the water, they might be blockaded by land and must fall in a due course of time without the loss of a man on our part.

TO COLONEL OLIVER TOWLES.

RICHMOND, April 14th, 1781.

SIR,—The same very disagreeable intelligence which you have been pleased to communicate to me, of the operations of our savage enemy on the Potomac, has come to hand from several parts of that river. Colonel Skinner particularly has written on the subject of arms. The order I enclosed him, tardy as the supply may be, is the utmost it is in our power to do. From his letter we are to judge about a third of his militia have guns. These I suppose not to be very good, but they are unfortunately what we are obliged to have recourse to: the 200 stand from Annapolis, for which I gave him an order, are said to be very fine. The defence at Hunter's and the public work at Fredericksburg are very important, indeed, and I hope will be very particularly attended to by the adjacent counties. No intelligence from Portsmouth gives us reason to believe that any regular forces have been sent on this expedition; so that we trust that it is less formidable than some representations make it. The worst is that a country vulnerable in every point is open to insult and depredation to even the smallest force, yet important points may we trust be guarded. In effecting this we rely on your exertions being added, as we are assured they will be.

TO COLONELS SKINNER AND GARRARD.

RICHMOND, April 14th, 1781.

SIRS,—I am exceedingly sorry to learn that the enemy are committing such cruel depredations in your part of the country; however it may tend to produce immoveable hatred against so detestable a nation and thereby strengthen our Union. Yet in the mean time it brings afflicting distress on individuals and by diverting so great a proportion of our force from their principal object leaves achievements in their power which otherwise could not be.

We had thrown the whole burden of militia duty on the southern counties, leaving those to the north quiet till they should get through the raising of their new levies. That being done we have set the southern counties on the same business and relied on our northern citizens to constitute the opposition to the hostile army below. Thus deprived for two months of the aid of the southern counties and so many of the northern like to be diverted, our army is reduced to less than a third of the number of our enemy who, of course, may march wherever they please. Situated as you are we cannot say that the men before called for must march at all events. We wish you to consider the above circumstances and viewing at the same time your own situation, to determine yourself whether the force called for can be spared without endangering your part of the country. Every part being equally within our care we wish not to

expose one for the defence of another. The very important works at and near Fredericksburg we must recommend to your particular protection, as also the saving all public tobacco within your county. Sir John Peyton for us purchased lately at Baltimore about 200 stand of arms from Isaac and Adam Van Bibber and Co. They were brought to Annapolis in the vessels which brought on the Marquis Fayette's detachment. Sir John Peyton has written to have them brought on by land, but he does not inform me to whom he has written. It is not in our power to offer you any other supply of arms but this. Were you to send some person in quest of these he would probably be able to meet with, or find them out and have them forwarded to you. His reasonable expenses and those of transportation shall be paid by the public, and the arms when you get them may be applied under your care for the defence of that part of the country instead of the 150 formerly ordered which you have not received. I enclose you an order for these arms.

TO COLONEL JAMES INNES.

RICHMOND, April 21st, 1781.

SIR,—Within an hour after receiving your first notification that the enemy were in movement we issued orders to the militia of the counties of Chesterfield, Prince George, Dinwiddie, Powhatan, Goochland, Hanover and Henrico to assemble

immediately every man able to bear arms, and one half of those of Amelia and Cumberland and to bring with them the best arms they had. They were to rendezvous at Petersburg and this place. Some volunteer cavalry were also called for. These orders were communicated to Baron Steuben and the several letters of information from you have been regularly and immediately forwarded to him. And I doubt not the moment the militia come in and can receive (such as are unarmed) the spare arms from the south side of the river he will order them to your assistance, now that it appears that yours is the post of their destination.

Though our orders calling out the militia went out on Thursday morning not a man is yet assembled here. I am told the Powhatan militia will be in today. Certainly those of this county will be as early. This fatal tardiness will I fear be as unfortunate to Williamsburg on this occasion as it was for Richmond.

Be assured that no effort of ours for your support shall be wanting and that the resources of the country as our powers will call them forth shall be applied to the relief of the part threatened. I must entreat you to let us hear from you daily while the scene is so interesting.

P. S. You observe we said nothing of the militia of the counties near Williamsburg because we supposed you would, of course, call for as many as you could arm.

TO COLONEL BENJAMIN HARRISON.

In Council, April 22d, 1781.

Sir,—We thought it best, as I informed you in a former letter, to call into service on this occasion the militia whose families and property were not immediately exposed. Being circumscribed in our number of arms, it still appears best, that what we have should be put into the hands of those militia. Were we to send any to Charles City we must dismiss so many militia now collected here and at Manchester. Experience has also shown it preferable for another reason to put your arms into the hands of those not exposed, because on the enemy's coming into the exposed parts of the country, the militia of the neighborhood will desert, carry off their arms and perhaps suffer them to be taken off by the enemy. We, therefore, think to retain the militia collected and collecting here, who we expect every moment will receive marching orders from Baron Steuben and that yours should be permitted to take care of their families and property.

I am informed the enemy have got possession of the ship-yard and that by the most unaccountable inattention the Lewis and safeguard galleys have withdrawn up Chickahominy instead of James River.

TO MAJOR-GENERAL BARON STEUBEN.

In Council, April 22d, 1781.

Sir,—I enclose you two letters just received from Colonel Innes. We are in great anxiety for him. His force, we are told, is very considerably reduced by desertion and he has no cavalry. I make no doubt you see how far it is necessary to send him reinforcements and will order them accordingly. I have no return of the numbers of militia here. Indeed, it is changing every hour by the arrival of others. Report makes three or four hundred at this place and Manchester. The new raised cavalry or a due proportion of it may perhaps be of singular use to him. We have determined to remove our armorer's shop to the Fork of James River immediately. Colonel Davies expects they will be at work there within ten days and that he shall be able to procure a very considerable number of hands there. Considering the greater security of that place than Powhatan Courthouse and the little probability from General Muhlenberg's letter of removing the armorers from Broadwater, perhaps you will think it better that our armorers should all be employed together at the Fork under Colonel Davies's direction than to send any part of them to Powhatan Courthouse.

We made a proposition to the militia of Prince George, which we had reason to believe would have effected the immediate completion of the work at Hood's. It was that any man of that county who

would go or send an able laborer to work there 12 days should have six weeks' credit on his tours of duty out of the county. Unfortunately the movements of the enemy obliged us the very next day to call every man into the field. Nevertheless if you think it more important you will be pleased to permit such of them to quit the field, as choose to comply with the proposition. One caution may perhaps be necessary: that is to order those militia to a separate position from that of the other counties, lest the restraining the offer to the militia of Prince George might produce an idea of partiality and give dissatisfaction to the rest. One county will suffice for the execution of this work and it would be improvident to make the proposition to more. I enclose you some intelligence which at this time of depression we thought it would be well to put in hand bills and communicate to both armies. I send a parcel to Colonel Innes's and trouble you with those for General Muhlenberg's.

I received a letter from the Marquis Fayette to-day dated Baltimore, April 17th: he was then coming on by forced marches for Virginia.

TO MAJOR-GENERAL BARON STEUBEN.[1]

RICHMOND, April 24th.

SIR,—I have information this morning from Captain Maxwell on his own view that the enemy landed

[1] Copied from the original letter in the collection of Sparks manuscripts belonging to Harvard University.

at Westover yesterday evening. If it be impossible that he should have been deceived, it is equally unaccountable that we are uninformed of it from the videttes sent. The movements of the enemy up Chickataming obliged Colonel Innes, encumbered with 20 wagons with stores, and 100 sick, to cross Pamunkey at Ruffens Ferry. As soon as he has disposed of those, he will endeavor, if the movements of the enemy render it proper, to retire towards this place. There are here about 200 militia armed, and 300 unarmed. At Manchester there is, I am told, a larger number armed, but of this I have no proper information. The militia of several counties being here, I gave Colo el Wood the command till you should be able to h ave them arranged as you should choose. He happ ned to be here on business, and it will be inconvenient to him to continue any time. Can the object of the enemy be our vessels at Osbornes? There are no public stores *here*, and they have showed that private depredation is not within their views.

Colonel Southell showed to Colonel Wood and myself, your orders of yesterday for the militia to divide into two parties and go to the Long Bridge, and Turkey Island and to correspond with Colonel Innes. But the enemy having, as is supposed, landed at Westover, and Colonel Innes crossed Pamunkey, it was thought advisable that Colonel Wood should await your orders on those new circumstances, supposed to be unknown to you at the date of your order.

As soon as it is known that the enemy are landed at Westover, and my presence here no longer necessary, I shall cross the river either here or at Tuckahoe and keep in the neighborhood on the other side. I shall be ready and happy to give you every aid from the civil power which may be necessary.

TO COLONEL VANMETER.

RICHMOND, April 27th, 1781.

SIR,—I have directed Mr. Woodrow to furnish money for the bounty of the new levies out of what was put into his hands for the removal of your militia to Pittsburg.

I am sorry such a spirit of disobedience has shown itself in your county. It must be subdued. Laws made by common consent must not be trampled on by individuals. It is very much the good to force the unworthy into their due share of contributions to the public support, otherwise the burden on them will become oppressive, indeed. We have no power by the law of raising cavalry in the counties generally, but on some similar occasions we have recommended to the County Lieutenants who have the power of forming their militia companies as they please, to form into one company such individuals of their militia as will engage to mount and equip themselves and to serve as mounted infantry, and we give commissions to the officers in the ordinary style. These may be used as effectually as cavalry;

and men on horseback have been found the most certain instruments of public punishment.

Their best way, too, perhaps is not to go against the mutineers when embodied which would bring on perhaps an open rebellion or bloodshed most certainly, but when they shall have dispersed, to go and take them out of their beds, singly and without noise, or if they be not found the first time, to go again and again so that they may never be able to remain in quiet at home. This is what I must recommend to you and, therefore, furnish the bearers with the commissions as you desire.

If you find this service considerable you will, of course, give the individuals credit for it as a tour of duty.

TO MAJOR-GENERAL BARON STEUBEN.

RICHMOND, April 27th, 1781.

SIR,—One half the Cumberland militia, and of those of Amelia, were ordered down. Some of the former have come in. I have ordered them to go to you, but what should be done with such of them as have no arms I think doubtful.

We have found by experience that the men of those counties where the enemy are, cannot be kept in the field; they desert and carry off their arms. It also seems reasonable that such should be permitted to go to their homes, to withdraw or otherwise to take care of their families and property.

Under this view it would seem right that as unarmed militia come in from other counties, we should discharge those of Prince George, Dinwiddie and Chesterfield; next to these the militia of Powhatan; and lastly Henrico, Hanover, Goochland. Indeed, those of Amelia and Cumberland were only meant to be kept in the field till those whom I formerly stated to you as intended for the service of May and June should come in. I would observe to you that Prince George, Dinwiddie, Chesterfield, Powhatan, Amelia and Cumberland have not yet got through the raising their new levies. These observations suffice to possess you of the general views of the Executive, and you will be pleased to regulate by them the discharges of the militia as far as circumstances will admit.

TO COLONEL JAMES INNES.

RICHMOND, May 2d, 1781.

SIR,—Having received information that diverse citizens of this Commonwealth in the counties of James City and York, have lately committed acts, some of which amount to high treason and others to misprision of treason, and that some though they may have been able to disguise and conceal their transactions as that legal evidence cannot be obtained by which they may be subjected to prosecution for treason or misprision of treason in a due course of law, yet have so conducted themselves as

to furnish the most pregnant circumstances of suspicion that they have been guilty of those offences, or are disaffected to the independence of the United States, and will, whenever they shall have opportunity, aid or advise the measures of the public enemy, which persons, in the critical situation of this Commonwealth, it is indispensably necessary to punish for their crimes by way of example to others and to disable from doing mischief: I must, therefore, as you are proceeding to that part of the country, desire and authorize you to make enquiry into the premises, and where you shall have probable cause to believe that any persons have been guilty of treason or misprision of treason, that there is legal evidence to commit them thereof, and that an examining Court can be had on them in the county where the offence was committed before there shall be any danger of a rescue by the enemy, you have them delivered to the warrant of a Justice of the Peace, in order that they may be prosecuted in the usual forms of law, and be aiding in their safe conveyance to the public jail in Richmond, if they be ordered to be conveyed. But where you shall be of opinion that legal evidence cannot be obtained, that an examining Court cannot be procured in the county before there will be danger of a rescue by the enemy and that there are pregnant circumstances of suspicion that they have been guilty of the offences of treason or misprision of treason, or where there shall be pregnant causes of suspicion that

persons in these counties are disaffected to the independence of the United States; and when occasion serves, aid or advise the operations of the enemy, that in those cases you apprehend such persons, and send them in safe custody to the jail of this county reporting to the Executive the facts and circumstances of suspicion whereon you proceed. In the executions of these powers, I must recommend to you that you have no retrospect to any fact prior to the 17th of April last, being the day the enemy embarked at Portsmouth; that you single out only those who have been foremost or most daring in their offences, and that even these be treated by those into whose hands they shall be committed with no insult or rudeness unnecessary for their safe custody.

TO COLONEL ABRAHAM PENN.

RICHMOND, May 4th, 1781.

SIR,—I am exceedingly sorry that the public situation should be such as to render it necessary to call our citizens from their farms at this interesting season of the year But the enemy will not suspend their operations till we can sow or reap, so that we must have our army on foot as well at these as the other seasons of the year. We have called on eleven counties to furnish a reinforcement to General Greene, and hope it will be the last time we shall have occasion to require our militia to go out of their own country as we think it most advisable to put

that distant disagreeable service on our regulars, and to send them forward as fast as raised, and to employ our militia on service in our own country. And I am confident that if the reinforcement of militia now under orders to General Greene is marched, and serves the two months with him which is intended, that by that time he will be so reinforced by regulars as to retain possession of North and the greatest part of South Carolina, and thus keep to the war at a distance from us. On the contrary, if he is not supported by the militia until the regulars can get to him, he will be driven back and we shall have the war on us.

Of the eleven counties called on, seven have applied to be excused. You will immediately see, Sir, what would be the consequence of complying with their request.

The Executive have, therefore, been obliged to insist on the requisition. Mr. Henry has written on the same subject, as to your county, but the grounds on which a relaxation of the order is proposed, being met as every other county has or as would, go to a perpetual exemption from military duty, we cannot withdraw the call.

Captain Baurt has engaged fifty horse to go for three months, but this is no equivalent for 250 infantry to serve two months. I must, therefore, Sir, rely on your zeal and activity to carry the former requisition into execution.

It is probable you may have among you some

delinquent militia who should by law serve six months, as a punishment for their delinquency; these, if sent with the militia, might be counted as part.

TO MARQUIS MAJOR-GENERAL DE LA FAYETTE.

RICHMOND, May 14th, 1781.

SIR,—I was sorry that the situation of my family had occasioned my absence from this place when you were pleased to send Captain Langhorne to me.

I enclose you a state of the counties who have been called on to come into the field, some of them to perform full tour of duty and others to make a present opposition to the junction of the two hostile armies. The delay and deficiencies of the first are beyond all expectation and if the calls on the latter do not produce sufficient reinforcements to you I shall candidly acknowledge that it is not in my power to do anything more than to represent to the General Assembly that unless they can provide more effectually for the execution of the laws it will be vain to call on militia. I could perhaps do something by reprimands to the County Lieutenants by repeating and even increasing the demands on them by way of penalty. If you would be so good as to have returns made to me once a week or at any other stated periods of the particular number of men from each county. Without these we can never know what counties obey our calls, or how long your men

are to continue with you so as to provide in time. From Hampshire and Shenandoah we expected many riflemen. From Berkeley and Frederick some, and a few from Culpeper, Orange, Loudoun and Fauquier, but what number may be expected I cannot even conjecture. One tenth of the whole force (except from the counties of Frederick, Hampshire, Berkeley, Shenandoah, and Orange, who were called on before we had concluded on this measure) were desired to come prepared with the horses to do duty as cavalry. The militia which were called to do a full tour were to join the army wherever it should be. Those counties called on to send as many men as they could send armed were to rendezvous at Richmond, Prince Edward Court House and Taylor's Ferry on Roanoke, as should be most convenient, where they were given to believe orders would be lodged from you for their future movements. These men are collecting to their places of rendezvous, so that they will need immediately such orders as you should be pleased to give them. I have the pleasure to enclose to you the four impress warrants, desired by Captain Langhorne.

Captain Maxwell called on me the 10th inst. and informed me he was building a few boats at the shipyard on Chickahominy. I desired him to send a good batteau builder to Colonel Davies to superintend and direct a number of hands whom he would immediately put under him for building batteaux for the river above the Falls, and that he would set

all the rest of his people to building boats for navigating the lower parts of the river, but so light and of such a form as that they might be moved on wheels, and that those should be built either here or above the Falls as safety and convenience should dictate. He left me with a promise to do so, and I expect he is engaged in the execution. His hands being to remove from the shipyard there will, of course, occasion some delay.

The General Assembly having determined to meet at Charlottesville on the 22d inst. renders it necessary for the Executive to prepare for removing there, and particularly for myself to go and see that provision be made for the reception of the Public Boards and Records. I shall leave this place this evening.

As a very frequent communication between yourself and the Executive will be necessary I have directed the State Quartermaster to station a line of express riders from your camp to Charlottesville by whom you will be so good as to communicate your wants from time to time under a full assurance that nothing in my power shall ever be wanting to supply them. Interesting events will always be acceptable whenever you shall have time to add them to a letter or make them the subject of a special one.

P. S. Lest anything should suffer which it is in my power to prevent I have concluded to stay here this evening and to do myself the pleasure of calling on you at your quarters to-morrow morning.

TO MAJOR-GENERAL MARQUIS DE LA FAYETTE.

CHARLOTTESVILLE, May 31st, 1781.

SIR,—I had the honor last night of receiving your favor of the 28th from Goldmine Creek and this morning that of the 29th. I shall be very happy, indeed, if against such a superiority of cavalry you shall be able to keep out of the way of the enemy till you are fully inforced. I imagine General Weedon's observation as to his want of power to call forth the militia respects the counties round about Fredericksburg; but all those on the south side of the Rappahannock have been called on by the Executive, and to those on the north side, they may be called on under our invasion law, which directs that the commanding officer of the militia of any county hearing of the approach of an enemy shall call on so many circumjacent counties as he shall think necessary, which counties by their officers are obliged to obey his call. I have the pleasure to inform you that Mr. Ross's agent in Philadelphia on the 9th instant forwarded 275 stand of arms and a ton of powder to Fredericksburg; on the 11th he forwarded another stand of arms; on the 18th he forwarded 600 stand of arms, and by this time expected the remainder of 2000 engaged from Congress by the Board of War. I must pray you to take such measures through General Weedon, or otherwise, as may secure these stores from falling into the hands of the enemy and moving them to where they may be useful to you. Your

knowledge of the movements of the enemy will enable you to do this with safety, whereas at the distance I am from them my orders, however proper when given, might by a change of their route lead the arms into their way. Besides the preceding arms General Washington has sent on 1000 stand, and the Board of War were sending on 2000 more from Springfield. As to the eleven hundred and odd stand which lately came on from Rhode Island the property of this State, I desired Colonel Davies after delivering to Baron Steuben as many as he has new recruits to return the rest for the militia of your camp. Will you be so good as to advise him by what route you will have them sent to your camp or to what other place. Two hundred of them being yet in your neighborhood I have ordered them for present safety to Rockfish Gap, from which place they will be moved according to any order you may give.

With respect both to those arms and the new levies, I am desired to communicate to you the enclosed Resolution of General Assembly. The representation there directed of the present state, quantity and condition of the public arms would be unnecessary to you who know already more than I do, nor can anybody be more sensible than yourself of the reasons which urge the detention of the new levies till other effectual force can be assembled. I shall, therefore, in compliance with resolution only add my desire that you will be pleased to retain all those arms within the State for its particular defence.

Two days before the receipt of your letter of the 28th I had dispatched one to you enclosing eight impress warrants, to provide horses from the counties contiguous to the enemy's line of march. The Assembly used this undefined expression in order to give you a latitude to impress, knowing that a precise circumscription might defeat their intention altogether. This, therefore, anticipated your desire expressed in that letter of extending your power 50 miles around. It also takes in your second request in the letter of the 20th to authorize Colonel White to impress on the south side of James River. The counties through which the enemy marched or bordered on them are within the extent of the impress warrants sent you, one of which being given to Colonel White will authorize him to impress in Amelia, Powhatan, Chesterfield, Dinwiddie, Prince Edward, Brunswick and the other counties there abounding in good horses. I will immediately direct the county superintendents to collect all accoutrements for horses belonging to the public in their counties and to send them to such place as Colonel White shall appoint and in the mean time to your camp.

The prisoners of war in the State are most of them in the hands of Colonel Holmes, Continental Commissary of prisoners at Winchester. There are a few at Staunton. Your orders to either place will be effectual.

TO FRANCIS EPPES.[1]

PHILADELPHIA, Jan. 14, 1783.

DEAR SIR,—You will hardly expect to receive a letter from me at this place, and of so late a date. Yet I have apprehensions of being here ten days or a fortnight longer, for though ready myself, some time since, the vessel in which I go is not ready. Yesterday's post brought no mail from Virginia. I was not disappointed in this, as I was pretty certain that under expectation of my being gone you did not write. I had entertained some hope of meeting a letter from you on my first arrival here, but suppose the same idea of its not coming in time prevented it, so that at present I have no hope of hearing again, while on this side of the water, from yourself and family and those dear little ones I left with you. We have heard nothing since my last from which the length of my absence may be conjectured. The last authentic advices were of the 14th of October, but the affair of Gibraltar happened just then, and the negotiation was in such a state that what had passed between the negotiators was at that time under submission to the British court for their approbation or disavowal. How far this would be influenced by their good fortune at Gibraltar is the question which the next advices must certainly solve. Since I came here there has been sold the Westover copy of Catesby's History of Carolina. It was held near a

[1] First published in Randall's *Life of Jefferson*, vol. III, p. 586.

twelvemonth at twelve guineas, and at last sold for ten. This seems to fix what should be given for Mr. Bolling's copy, if you can induce him to let me have it, which I am very anxious for. Perhaps it would be a temptation to offer that the ten guineas should be paid to Mr. Ross's agent at Nantes, where he could lay them out and send the articles to Mr. Bolling. His draft shall be paid on sight in Paris. Perhaps you had better effect this by making the proposition to Mrs. Bolling. Of this your knowledge of the family will enable you to judge. Be so good as to present me most affectionately to Mrs. Eppes, Mr. and Mrs. Skipwith, and the two families, and believe me to be, with very great sincerity, dear Sir, your friend and servant.

TO JAMES MADISON.

BALTIMORE, 7 February, 1783.

DEAR SIR,—I write by this post to the Minister of Foreign Affairs, but will repeat to you the facts mentioned to him and some others improper for a public letter, and some reflections on them which can only be hazarded to the ear of friendship. The cold weather having set in the evening of the 30th ult. (being the same in which I arrived here) the Chevalier de Ville-brun was obliged to fall down with his ship and the Guadeloupe to about twelve miles below this; and the ice has since cut off all correspondence with him till yesterday, when I got a boat and

attempted a passage. There having passed a small boat before us, we got about half way with tolerable ease, but the influx of the tide then happening the ice closed on us on every side and became impenetrable to our little vessel, so that we could get neither backwards nor forwards. We were finally relieved from this situation by a sloop which forced its way down and put us on board the Romulus, where we were obliged to remain all night. The Chevalier de Ville-brun communicated to me several letters of intelligence which deserves weight; by which we are informed that the enemy, having no other employment at New York, have made our little fleet their sole object for some time, and have now cruising for us nothing less than 1 ship of 64 guns, 4 ships of 50 guns, 2 ships of 40 guns, 18 frigates from 24 to 30 guns, a most amazing force for such an object. The merchants who intended to have sent their vessels out with us, have so far declined it, that two vessels only go with us, but they are unfortunately the greatest sluggards in the world. The Minister has given Ville-brun leave to remain if he thinks it expedient till the middle of March, but politely and kindly offered the Guadeloupe for my passage if I chose to run the risk. I find that having laid ten months under water she got perfectly sobbed, insomuch that she sweats almost continually on the inside, in consequence of which her commander and several of the crew are now laid up with rheumatism. But this I should have disregarded had it not ap-

peared that it was giving to the enemy the ship and crew of a friend, and delaying myself in fact by endeavoring at too much haste. I, therefore, have not made use of the liberty given me by the Minister. Ville-brun seems certain he shall not sail on the first of March, and I confess to you I see no reason to suppose that when that time arrives the same causes will not place our departure as distant as it now seems. What then is to be done? I will mention the several propositions which occur with some reflections on each.

1. To go to Boston and embark thence. Would to God I had done this at first. I might now have been half-way across the ocean. But it seems very late to undertake a journey of such length, through such roads and such weather: and when I should get there some delay would still necessarily intervene,—yet I am ready to undertake it if this shall be thought best.

2. To stay here with patience till our enemies shall think proper to clear our coast. There is no certain termination to this object. It may not be till the end of the war.

3. To fall down to York or Hampton and there wait those favorable circumstances of winds and storms which the winter season sometimes presents. This would be speedier than the second but perhaps it may not be approved of by the commander for reasons which may be good though unknown to me. Should this, however, be adopted we ought to be

furnished by the Marine department with, or authorized to employ one or more swift sailing boats to go out of the capes occasionally and bring us intelligence to York or Hampton wherever we should be.

4. To ask a flag for me from the enemy and charter a vessel here. This would be both quickest and most certain, but perhaps it may be thought injurious to the dignity of the States, or perhaps be thought such a favor as Congress might not choose to expose themselves to the refusal of. With respect to the last, nothing can be said: as to the first, I suppose were history sought, many precedents might be found where one of the belligerent powers has received from the other, passports for their Plenipotentiaries; and I suppose that Fitzgerald and Oswald got to Paris now under protection of a flag and passport. However, these are tender points and I would not wish the sensibility of Congress to be tried on my account, if it would be probably disagreeable.

5. To await a truce. This cannot take place till after preliminaries are signed, if then: and though these are not definitive, yet it must be evident that new instructions and new or perhaps inconsistent matter would be introduced with difficulty and discredit.

There is an idle report here of peace being actually concluded. This comes by the way of the West Indies, and must probably be founded on the settlement of preliminaries, if it has any foundation at all.

Should you think that the interference of Congress

might expedite my departure in any of the above ways, or any other, I have suggested these hasty reflections in hopes that you would do in it whatever you think right. I shall acquiesce in anything, and if nothing further comes to me I shall endeavor to push the third proposition with the Commander, and if I fail in that shall pursue the second. I wish to hear from you as often as you have anything new. I fear I shall be here long enough to receive many letters from you. My situation is not an agreeable one, and the less so as I contrast it with the more pleasing one I left so unnecessarily. Be so good as to present my esteem to the good ladies and gentlemen of your fireside and to accept yourself the warmest assurances of friendship from, dear Sir, your friend and servant.

Feb. 8. The preceding was written last night. Before I close my letter I will ask the favor of you to write me by the return of post and to let me have your own sentiments (whether anything be, or be not determined authoritatively) which will have great weight with me. I confess that after another night's reflection the fourth is the plan which appears to me best on the whole, and that the demand from New York is nothing more than what is made at the close of almost every war, where the one or the other power must have a passport: it is no more than asking a flag to New York. Should this, however, be disapproved, the third seems the only remaining plan which promises any degree of expedition. Perhaps

the Minister may have a repugnance to venture the Romulus at York or Hampton, in which case if I could receive his approbation I should be willing to fall down there with the Guadeloupe alone and be in readiness to avail ourselves of a northwesterly snow storm or other favorable circumstance.

TO JAMES MADISON.

BALTIMORE, Feb. 14, 1783.

DEAR SIR,—Yours of the 11th came to hand last night. From what you mention in your letter I suppose the newspapers must be wrong when they say that Mr. Adams had taken up his abode with Dr. F——. I am nearly at a loss to judge how he will act in the negotiation. He has F——, he has Jay, he has the French, he has the English, to whom will he adhere? His vanity is a lineament in his character which had entirely escaped me. His want of taste I had observed. Notwithstanding all this he has a sound head on substantial points, and I think he has integrity. I am glad, therefore, that he is of the commission and expect he will be useful in it. His dislike of all parties, and all men, by balancing his prejudices, may give them some fair play to his reason as would a general benevolence of temper. At any rate honesty may be extracted even from poisonous weeds.

My stay here has given me opportunities of making some experiments on my amanuensis F——s perhaps

better than I may have in France. He appears to have a good enough heart, and understanding somewhat better than common, but too little guard over his lips. I have marked him particularly in the company of women where he loses all power over himself, and becomes almost [ ].[1] His temperature would not be proof against their allurements, were such to be employed as engines against him. This is in some measure the vice of his age, but it seems to be increased also by his peculiar constitution.

I wrote to the Chevalier de Ville-brun proposing his falling down to York or Hampton which was one of the measures I suggested in my letter to you, and was the most eligible except that of the flag, in my own opinion. His answer dated Feb. 12, is in these words: 'Je serois bien de l'avis proposé à votre Excellence d'aller mouiller à York ou Hampton pour être à portée de profiter des premiers vents de Nord Ouest qui me mettroient loin de la côte dans la nuit, surtout si je n'avois pas de convoy à conserver, mais des batiments entrés anjourd'hui raportent avoir été chassés par quatre fregates pis que sur la Cap Charles et avoir vu au mouillage de Linhaven un vaisseau et un frégate qui ont appareillés et pris un Brig qui navigoit avec eux. De plus York et Hampton n' ont pas un canon monté, si l'ennemi trés supérieur, entreprenoit de venir nous y forcer, il y auroit peu de sureté.

Peutêtre conviendroit-il autant d'attendre, comme

[1] A word is lacking here in the manuscript.

le propose M. de la Luzerne, jusqu'au mois prochain, des nouvelles de l'Europe, ou l'arrivée d'une division des Antilles promise par M. de Vaudreuil, ou bien encore que l' ennemi fatigué ne fut obligé de rentrer à New York.' * * * * * * *

To go to Boston would be the most economical plan. But it would be five weeks from my leaving this place before I could expect to sail from thence. Of course, I may from here be in France by the time I should be sailing from Boston.

Five weeks in a crisis of negotiation may be much. Should I accept of the Guadeloupe, and she should be lost, it would under present circumstances draw censure. Moreover in this or the former case, besides losing the vessel, what will be my situation?— that of a prisoner certainly. From what has been done in Lauren's case they would not release me in expectation of a high exchange; or if they did, it would only be on parole; in which case I could neither act nor communicate. This plan would have in its favor economy and a possibility (a bare one) of despatch. That of the flag still appears best. It is favored by the circumstances of despatch, safety, and the preservation of our papers. But when I think of the expense I feel myself annihilated in comparison with it. A vessel may be got here, but I question if for less than 11.819. 36 or 843.10. 819.36 pounds. Besides can a passport be obtained from New York without naming the vessel, the crew, etc. If not, it would take long to furnish these cir-

cumstances from hence. The Delaware would be more eligible in that case. Otherwise this place is. If this should be adopted, what would be the extent of the protection of the flag to the papers I should carry? These, so far as this question would affect them, would be of three descriptions. 1. My own commission, instructions, and other documents relative to my mission. 2. Public letters to the consuls, ministers and others on other business. 3. Private letters. I have no means of satisfying myself on these points here. If, therefore, this measure should be adopted, I should thank you for your opinion on them, as you can, where you are doubtful, make enquiry of others. I am exceedingly fatigued with this place, as, indeed, I should with any other where I had neither occupation nor amusement. I am very particularly indebted here to the politeness and hospitality of General La Vallette, who obliges me to take refuge in his quarters from the tedium of my own, the latter half of every day. You are indebted to him, too, as I should make my long letters much longer and plague you with more cypher[1] were I confined at home all day. I beg you to be assured of my warmest wishes for your happiness.

Feb. 15, 9 o'clock P. M. After sealing up this letter, I received yours of yesterday enclosing the King's speech, for which I thank you much. The essential information conveyed to us by that is that

[1] Part of this letter was written in cypher.

the preliminary for our independence (which we before knew to have been agreed between the plenipotentiaries) has been provisionally ratified by him. I have thought it my duty to write the enclosed letter which after reading you will be so good as to stick a wafer in and deliver. I wish no supposed inclination of mine to stand in the way of a free change of measure, if Congress should think the public interest required it. The argument of economy is much strengthened by the impossibility (now certain) of going but in an express vessel. The principal matters confided to me were, 1. The new instruction; which perhaps may have been sent by Count Rochambeau, or may yet be sent. 2. The details of the financier's department which Mr. Morris, not choosing to trust to paper, had communicated verbally. These in the event of peace or truce may safely go in paper. 3. The topics which support our right to the fisheries, to the western country, and the navigation of the Mississippi. The first of these is probably settled. The two latter should only come into discussion in the Spanish negotiation, and, therefore, would only have been the subject of private conversation with Mr. Jay, whose good sense and knowledge of the subject will hardly need any suggestions.

I forgot to mention to you in my letter that Mr. Nash arrived here the day before yesterday on his way to North Carolina, and that Mr. Brunt is not yet arrived, but is weekly expected. I am yours affectionately.

TO JAMES MADISON.

TUCKAHOE, May 7, 1783.

I received your favor of April 22 and am not a little concerned at the alteration which took place in the Report on the impost, etc., after I left you. The article which bound the whole together was, I fear, essential to get the whole passed; as that which proposed the conversion of State into Federal debts was one palatable ingredient at least in the pill we were to swallow. This proposition being then hopeful, I never consulted you whether the payment of our western expenditures, annexed as a condition to our passing the articles recommended, would not be acceded to by Congress; more especially when one of those articles is the cession of that very territory for the acquisition and defense of which these expenditures have been incurred. If I recollect rightly Congress offered this in their first proposition for a cession. I beg your sentiments, however, on this subject by return of the first post. Notwithstanding the unpromising form of these articles I have waited a fortnight in the neighborhood of Richmond that I might see some of the members. I passed yesterday in associating and conversing with as many of them as I could. The Attorney has cooperated in this work. This is the view I form at present of the leaders. Dr. Arthur Lee, R. H. Lee, Mr. Page, Taylor, will be against them. So will Thurston and White if elected, and even an A.

Campbell is thought worthy of being named with these as having some influence in the southwestern quarter. In their favor will be Tyler, Tazewell, General Nelson, W. Nelson, Nicholas and a Mr. Stewart,[1] a young man of good talents from the westward. Henry as usual is involved in mystery: should the popular tide run strongly in either direction, he will fall in with it. Should it not, he will have a struggle between his enmity to the Lees, and his enmity to everything which may give influence to Congress. T. Mason[2] is a meteor whose path cannot be calculated. All the powers of his mind seem at present to be concentrated in one single object, the producing a convention to new model the Constitution.[3] This is a subject much agitated, and seems the only one they will have to amuse themselves with till they shall receive your propositions. These should be hastened; as I think the session will be short. I have seen Mr. Wythe. He has none of his amendments or notes on the Confederation.

Mr. Short has desired me to suggest his name as that of a person willing to become a legatine secretary should these offices be continued. I have apprised him of the possibility that they may not. You know my high opinion of his abilities and merits; I will, therefore, only add that a peculiar

[1] Archibald Stewart.
[2] Thompson Mason.
[3] Referring to the State Constitution.

talent for prying into facts seems to mark his character as proper for such a business. He is young, and little experienced in business, though well prepared for it. These defects will lessen daily. Should persons be proposed less proper on the whole, you would on motives of public good, knowing his willingness to serve, give him a nomination and do justice to his character.

I rejoice at the information that 1832. 164. 928. 36. 323.[1] and yourself concur in sentiments. I rejoice as it will render you happier and give to me a neighbor on whom I shall set high value. You will be continued in your delegation till the end of three years from the completion of the Confederation. You will, therefore, model your measures accordingly. You say nothing of the time when you shall pay your visit to Virginia. I hope you will let me know of your arrival as soon as it happens. Should the call be made on me, which was sometimes the subject of our conversation, and be so timed with your visit as that you may be the bearer of it, I shall with great pleasure accommodate my movements to yours so as to accompany you on your return to Philadelphia.

I set out this morning for Monticello. My affectionate compliments to the ladies and gentlemen of the house, and sincere friendship to yourself. Adieu.

[1] The cyphers presumably allude to Miss Floyd, a young lady to whom at that time Madison was paying marked attentions.

TO JAMES MADISON.

MONTICELLO, June 17, 1783.

DEAR SIR,—Your favors of the 13th and 20th ult. came to hand about a week ago. I am informed the Assembly determined against the capacity of re-election in those gentlemen of the delegation who could not serve a complete year. I do not know on what this decision could be founded. My hopes of the success of the Congressional propositions here have lessened exceedingly. Mr. Henry had declared in favor of the impost: but when the question came on he was utterly silent. I understand it will certainly be lost if it be not already. Instead of ceding more lands to the United States a proposition is made to revoke the former cession. Mr. Henry is for bounding our State reasonably enough, but instead of ceding the parts lopped off he is for laying them off into small republics. What further his plan is I do not hear. However, you get the parliamentary news so much more directly from Richmond, that it is idle for me to give it you from hence.

A convention for the amendment of our Constitution having been much the topic of conversation for some time, I have turned my thoughts to the amendments necessary. The result I enclose to you. You will have opportunities during your stay in Philadelphia of enquiring into the success of some of the parts of it which though new to us have been tried in other States. I shall only except against your com-

municating it to any one of my own country, as I have found prejudices frequently produced against propositions handed to the world without explanation or support. I trust that you will either now or in some future situation turn your attention to this subject in time to give your aid when it shall be finally discussed. The paper enclosed may serve as a basis for your amendment, or may suggest amendments to a better groundwork. I further learn that the Assembly are excluding members of Congress from among them. Whether the information they may derive from their presence, or their being marked by the confidence of the people, is the cause of this exclusion I cannot tell.

Be pleased to present me with affection to my acquaintances of the house, and to receive yourself the sincerest assurances of the esteem with which I am, dear Sir, your friend and servant.

P. S. I will take the first opportunity of forwarding the pamphlet to your father.

TO CHARLES CARTER.

EPPINGTON, Oct. 12, 1783.

DEAR SIR,—Finding that Mr. Eppes has made no purchase of horses for me, the bearer comes for those you were so kind as to offer me. Thinking it almost certain that they will suit me from what I hear of them, I send you enclosed an order on Mr. Donald

for £60, which will be paid at sight: only be so good as to keep it up till Tuesday evening, because if, contrary to my expectations, the horses should not suit, they shall be returned to you by that time. If you have a third horse matching them in all respects and of the same age, price and qualities, I will take him also: for as I shall go on to the northward with a pair of horses in my phaeton, it will be a great relief that the horse on which my servant shall ride may be changed with them occasionally.—One word more, my dear Sir, which is to express my uneasiness at your having supposed I imputed to you a motive in the change of price which never entered my head. I could not think you wanted to take advantage of any necessity of mine, because no such necessity existed. I shall not use the horses I purchase till the month of March; consequently I could not be under the spur of necessity till then, besides this I knew you too well to have thought it under any circumstances. I am, with sentiments of sincere attachment and respect, dear Sir, your most obedient humble servant.

P. S. If you send me a third horse I will send an order for payment of the price either to yourself or Mr. Donald according as the first conveyance may offer to the one or the other.

TO MARTHA JEFFERSON.[1]

ANNAPOLIS, Nov. 28th, 1783.

DEAR PATSY,—After four days' journey, I arrived here without any accident, and in as good health as when I left Philadelphia. The conviction that you would be more improved in the situation I have placed you than if still with me, has solaced me on my parting with you, which my love for you has rendered a difficult thing. The acquirements which I hope you will make under the tutors I have provided for you will render you more worthy of my love; and if they cannot increase it, they will prevent its diminution. Consider the good lady who has taken you under her roof, who has undertaken to see that you perform all your exercises, and to admonish you in all those wanderings from what is right or what is clever, to which your inexperience would expose you: consider her, I say, as your mother, as the only person to whom, since the loss with which Heaven has pleased to afflict you, you can now look up; and that her displeasure or disapprobation, on any occasion, will be an immense misfortune, which should you be so unhappy as to incur by any unguarded act, think no concession too much to regain her good-will. With respect to the distribution of your time, the following is what I should approve:

From 8 to 10, practice music.

[1] First published in S. N. Randolph's *Domestic Life of Thomas Jefferson*, page 69.

From 10 to 1, dance one day and draw another.

From 1 to 2, draw on the day you dance, and write a letter next day.

From 3 to 4, read French.

From 4 to 5, exercise yourself in music.

From 5 till bed-time, read English, write, etc.

Communicate this plan to Mrs. Hopkinson, and if she approves of it, pursue it. As long as Mrs. Trist remains in Philadelphia, cultivate her affection. She has been a valuable friend to you, and her good sense and good heart make her valued by all who know her, and by nobody on earth more than me. I expect you will write me by every post. Inform me what books you read, what tunes you learn, and enclose me your best copy of every lesson in drawing. Write also one letter a week either to your Aunt Eppes, your Aunt Skipwith, your Aunt Carr, or the little lady from whom I now enclose a letter, and always put the letter you so write under cover to me. Take care that you never spell a word wrong. Always before you write a word, consider how it is spelt, and, if you do not remember it, turn to a dictionary. It produces great praise to a lady to spell well. I have placed my happiness on seeing you good and accomplished; and no distress this world can now bring on me would equal that of your disappointing my hopes. If you love me, then strive to be good under every situation and to all living creatures, and to acquire those accomplishments which I have put in your power, and which will go far towards

ensuring you the warmest love of your affectionate father.

P. S. Keep my letters and read them at times, that you may always have present in your mind those things which will endear you to me.

TO GEORGE WASHINGTON.

ANNAPOLIS, April 6, 1784.

DEAR SIR,—I am obliged to you for your query as to the distance from New York to Cuyahoga, as it occasioned my re-examination of that matter and detection of an error of 150 miles. The distances from New York to Niagara I collect from information as follows:

From New York to Albany	164 miles.
Oneida	165
Oswego	171
Niagara	180
	680
From Niagara to Cuyahoga	140
	820

This last distance I collect by measuring on Hutchin's map and reducing that proportionably by the known distance from Niagara to Detroit, which is 250 miles.

The public papers confirm the resignation of Mr. Pitt and his friends. A ship arrived here, and some others in Philadelphia have brought us a riddle without a key. They received their bounties and draw-

backs on clearing out from London as they used to do while we were colonies without any public act authorizing it being visible. The Custom house officers tendered them, and they were not so rude as to refuse them. The prohibitory proclamation they say is eluded and connived at by government. We have 11 States in Congress and hope by the middle of May to adjourn to November. If anything prevents this it will be the representation of 8 States of the 11 by 2 members each, who frequently dividing retard business extremely.—The enclosed letter was put into my hands with a request to forward it to you.—This will be delivered you by Monsieur de Hogendorff, a relation of Mr. Van Berchel's. A very particular acquaintance with him here has led me to consider him as the best informed man of his age I have ever seen. Nature and application seem equally to have concurred in fitting him for important business. He returns to Holland, his native country, in the summer, and cannot deny himself the satisfaction of paying his tribute of respect to you.

P. S. The Minister of France arrived here to-day. I believe he is on a tour through Virginia, but I have not yet learned when he sets out. Since writing this I learn that the Minister has declined his tour through Virginia, but thinks to go as far as your house: perhaps within a fortnight.

TO HORATIO GATES.[1]

ANNAPOLIS, May 7th, 1784.

DEAR GENERAL,—I received by the last post your favor of the 27th ultimo, and am much obliged for the communication therein. The ferment on the subject of your society seems just becoming general. They write us from Virginia that it works high there, and that the division is precisely into civil and military. We will not presume to send foreign news from Annapolis to Philadelphia. Congress expects to adjourn on the 3d of June. They have passed the estimate and requisitions for the year, and some recommendations to the States to vest Congress with such much power over their commerce as will enable them to retaliate on any nation who may wish to grasp it on unequal terms; and to enable them if it should be found expedient to pass something like the British navigation act. You say in the public papers a report of a committee, erroneously said to be an act of Congress, for dividing the western country into new States. That report was recommitted, the paragraphs of names struck off, the principles of government somewhat varied and the act then passed. Foreign treaties of commerce occupy us at present. I am not yet fixed as to the time of my coming to Philadelphia, though think it will not be long after the first.

[1] Copied from the original letter in the collection of Dr. Thomas Addis Emmet of New York.

TO JAMES MONROE.

PHILADELPHIA, May 21, 1784.

DEAR SIR,—Your favor of the 14th came duly to hand. It enabled me to give to Colonel Humphreys the first intimation of his appointment and to see that he received real pleasure from it. He was before unknown to me; but our future connection in business has occasioned me to inquire into his character, with which I am much pleased. We have taken arrangements for passing the Atlantic together. Short is not yet arrived. But had he not been coming, the servant whom I ordered to join me here would have been with me before now. I wait for time and for our commissions and instructions. The moment these arrive I shall set out for Boston, where a passage will be provided.—Is there a commission for an additional treaty with France? The instructions made this necessary, and without it we shall be at Paris but private citizens, unprotected by the laws of nations, and liable to the jurisdiction of the country. A very disagreeable affair has happened here which will give you trouble probably both on this and the other side the water. It is an assault by a very worthless Frenchman on Mr. Marbois, for refusing to give the attestations of the consulate to some falsehoods which he wished to establish. I mean to make myself acquainted with the affair and will write you particularly on it before I leave this place. General Knox went on from hence two days

ago to receive the orders of Congress as to the western posts. The mouth of the Illinois is the interesting post for Virginia, because it will open a trade up the Missouri and Mississippi. The spot there is advantageous for defence according to Hutchins' pamphlet, and General Washington's letter on the peace establishment. Michillimacinac is very important for the United States in general: it is interesting to Virginia on the expectation that she may open the navigation from Lake Erie to Potomac. Detroit is a place of consequence, but so strongly settled that I doubt whether any force need be kept there. The New Yorkers will wish a force at Niagara or Oswego. I should yield to them as far as necessity requires; but the further north that post is the better for Virginia, were it even pushed to the intersection of the Cataraqui with the 45th degree. It might then leave a possibility of drawing the six nations to Fort Pitt. Mr. Thomson's counsel on this subject will probably be useful, the interests of Pennsylvania and Virginia being united as to all these posts. We shall not begin to scramble for the trade till we have brought it to Fort Pitt. To the southward it would be our interest to have an agency kept up with the Overhill Cherokees, and Martin the agent. If South Carolina and Georgia would then be contented with one other agency, and could agree on its situation it would be well. I had thought of the head of Mobile river because there is a very short portage from there to the waters of the Tennessee which would give us

access to it, but Mr. Reid thought it too distant from the inhabited country. I am to thank you for your care of my baggage which is come safely to hand. Mr. Hopkinson had sent on under cover to me a draught from Mr. Morris for 233⅓ dollars for me, and for the amount of Mr. Hardy's bill. My part was intended for Mr. Jenifer. I hope you will have been so good as to dispose of both parts according to their destination. Boirod and Gaillard had also forwarded by the stage some of the books you desired. I have not yet received their bill and will transmit it to you as soon as received. The stage having ceased to pass between Baltimore and Annapolis, possibly these books may remain at the former place. I believe there is sometimes, too, a stoppage at Susquehanna by a change of interest in the proprietors of the stage. Should this have happened, your enquiries must come that far. I have had the pleasure of seeing three balloons here. The largest was of 8 feet diameter and ascended about 300 feet. I shall write to you again from this place and afterwards in the course of my northern progress. I shall be obliged to you to continue your letters as long as they can reach Boston by the 15th of June. A particular detail of Congressional proceedings, and of the communications from or concerning your foreign ministers will be most acceptable. Hopkinson tells me he had mentioned in his letter to me that the office of director or master of the mint would be acceptable. He was, therefore, uneasy when I told

him that I had left a request with a friend to open my letters. But I satisfied him perfectly on that head, and that you would render him any service which the duties of your situation would permit. He is a man of genius, gentility and great merit, and at the same time poor and the father of a numerous family. He holds a little office here, more respectable than profitable, for he can but barely live. He is as capable of the office as any man I know and the appointment would give general pleasure, because he is generally esteemed.—Messrs. Boirod and Gaillard will be glad to receive the prospectus of the Encyclopedia. Foreseeing that if I turn over the leaf I shall plague you with another page full I will here bid you adieu.

TO CHARLES THOMSON.[1]

PHILADELPHIA, May 21, 1784.

DEAR SIR,—I received your favor of the 16th last night. I was out when it was delivered, so knew not how it came, a circumstance no otherwise important than as I am at a loss how or where to enquire for the packet which should have accompanied it, containing the commissions, instructions, etc. I shall immediately, however, make the enquiry. I am obliged to you for the order for the journal. I shall make use of it to procure those of 1779–1783, and

[1] Copied from *Collections of the N. Y. Historical Society for* 1878, page 186.

part of 1784 which my set wants. My matter in the printing way is dropped. Aitken had formerly told me he would print it for £4 a sheet. He now asks £5 10*s*., which raises the price from £48 to £66; but what was a more effectual and inseparable bar was that he could not complete it under three weeks, a time I could not wait for it. Dunlap happened to be out of town, so I relinquished the plan. Perhaps I may have a few copies struck off in Paris if there be an English printer. If I do you shall assuredly have one. I shall take the liberty of adding some of your notes—those which were mendatory merely will have their effect on the body of the work. I left all the papers belonging to the Grand Committee in the hands of Mr. Blanchard. Among these were the papers relating to Vermont. My reason for not delivering them to you as I did the others, was, that the Committee was to sit that morning. There are vessels arrived here which left London as late as the 14th of April. Nothing important, however, has yet been communicated from them. The principal interesting occurrence here is a very daring insult committed on Mr. Marbois by a Frenchman, who calls himself the Chevalier De Longchamps, but he is in fact, the nephew of the Minister's steward's wife. He obliged him in his own defence to box in the street like a porter. He is demanded by the Minister to be delivered up by the Executive here to be sent to France for punishment. They are plodding over the case. Whether he be a citizen of America or not

is not yet decided. I shall endeavor to make myself acquainted with the facts, because it will probably be the cause of something disagreeable here, and perhaps on the other side of the water. I think there is a desire in the Executive to give every satisfaction they can, but whether it is in the syllables and letters of the law that a Frenchman committing an outrage may be delivered up to his master for punishment is matter of dubity. You will hear enough of it, as it comes to Congress, of course; so I will add no more than my respectful compliments to Mrs. Thomson and assurances to yourself that I am, with much esteem, dear Sir, your friend and servant.

P. S. I find your letter came by post, but no packet with it. The arrival of so late a vessel is now contradicted.

TO BENJAMIN FRANKLIN.[1]

BOSTON, June 19, 1784.

DEAR SIR,—Supposing that Congress would communicate to you directly the powers committed to yourself, Mr. Adams and myself, I have delayed from day to day the honor of writing to you, in hopes that every day would open to me a certainty of the time and place at which I might sail. A French packet will leave New York early in the month. By her I mean to take my passage, and may, therefore,

[1] Published in Bigelow's *Works of Franklin*, vol. VIII, page 505.

expect, in the ordinary course of things, to have the pleasure of joining you at Paris in the middle or latter part of August, and of communicating the commissions and instructions under which we are to act. The latter are more special than those heretofore sent. I shall then also have the pleasure of giving you more particular information of the situation of our affairs than I could do by letter; in general, I may observe to you that their aspect is encouraging.

Congress, understanding that Mr. Jay was probably on his passage to America, appointed him their Secretary for Foreign Affairs. It would give me peculiar pleasure to meet with him before my departure, and to know that he will act in an office with which we shall be so immediately connected. Congress adjourned on the 3rd of June, to meet at Trenton on the first Monday of November, leaving a committee of the States at the helm during their recess.

I have the pleasure to inform you that Mrs. Bache and her family were well when I left Philadelphia, which was about three weeks ago. In hopes of joining you nearly as soon as you will receive this letter, I subscribe myself, with very sincere esteem and regard, dear Sir, your most affectionate humble servant.

TO JAMES MADISON.

BOSTON, July 1, 1784.

DEAR SIR,—After visiting the principal towns through Connecticut, Rhode Island, this State, and New Hampshire, in order to acquire what knowledge I could of their commerce and other circumstances, I am returned to this place, and shall sail the day after to-morrow in the Ceres bound for London: but my purpose is to get on shore in some boat on the coast of France and proceed directly to Paris. My servant being sent off to-day, and much on hand to prepare for my voyage, I have no time for any particular communications. Indeed, there are few I should have to make, unless I were to enter into a detail which would be lengthy, as to the country and people I have visited. The lower house of this State have passed a bill giving Congress the powers over their commerce which they had asked. It had had two readings with the Senate, and meets with no opposition. I find the conviction growing strongly that nothing can preserve our confederacy unless the band of union, their common council, be strengthened.

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